

**JOURNALS OF  
SENATE AND ASSEMBLY**  

---

**FOURTH EXTRA SESSION  
1940**

**L500**

**J7**

**C.2**

CALIFORNIA  
STATE LIBRARY

GOVERNMENT  
PUBLICATIONS



0 2007 1167217 6

California State Library

CALIFORNIA  
STATE LIBRARY

GOVERNMENT  
PUBLICATIONS



# JOURNALS

OF THE

# SENATE AND ASSEMBLY

CALIFORNIA LEGISLATURE

FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

SEPTEMBER 21-22, 1940

DECEMBER 2-5, 1940



LIEUT. GOVERNOR ELLIS E. PATTERSON  
PRESIDENT OF THE SENATE

HON. GORDON H. GARLAND  
SPEAKER OF THE ASSEMBLY

SENATOR JERROLD L. SEAWELL  
PRESIDENT PRO TEMPORE OF THE SENATE

HON. GARDINER JOHNSON  
SPEAKER PRO TEMPORE OF THE ASSEMBLY

JOSEPH A. BEEK  
SECRETARY OF THE SENATE

JACK CARL GREENBURG  
CHIEF CLERK OF THE ASSEMBLY

*Printed in* CALIFORNIA STATE PRINTING OFFICE  
SACRAMENTO, 1941 GEORGE H. MOORE, STATE PRINTER



Digitized by the Internet Archive  
in 2015

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

---

# SENATE DAILY JOURNAL

---

## IN SENATE

---

SENATE CHAMBER, SACRAMENTO,  
Saturday, September 21, 1940.

The Senate met at one o'clock p.m., pursuant to the provisions of the proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated September 21, 1940, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor Ellis E. Patterson, President of the Senate of the Fifty-third Session, in the chair, called the Senate to order.

Pursuant to the provisions of section 237 of the Political Code, Joseph A. Beek, Secretary of the Senate, James Boyd Garrison, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

### Roll Call.

The roll was called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—35.

Quorum present.

### Prayer.

By invitation of the President, prayer was offered by the Rev. A. Raymond Grant, Chaplain of the Senate of the Fifty-third Session.

### Proclamation of the Governor.

The President of the Senate directed the Secretary of the Senate to read the proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following proclamation:

#### Proclamation.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, Culbert L. Olson, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State

of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Saturday, the twenty-first day of September, one thousand nine hundred and forty, at one o'clock p.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation providing for the establishment and organization in the executive department of the State government of a California State Council of Defense, to be appointed by, and to act upon the direction of, the Governor, in accordance with the plans of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, with power to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests, for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing for an appropriation of money to the State Planning Board and to the California State Council of Defense in the executive department of the State Government for these purposes.

2. To consider and act upon legislation to authorize housing authorities created by the Housing Authorities Law to undertake the development and administration of housing projects for persons and their families engaged in national defense activities.

3. To consider and act upon legislation authorizing the maintenance on days now designated by law as days upon which the public schools shall be closed, of public school classes in vocational training authorized or provided for as part of any program of national defense.

4. To consider and act upon legislation to amend the State Civil Service Act to permit permanent civil service employees of the State a leave of absence for military service in event of war or of emergency in preparing for the National defense.

5. To consider and act upon legislation to amend the State Employees' Retirement Law to extend certain of the benefits thereof to retirement system members absent from State service by reason of service in the armed forces of the United States.

6. To consider and act upon legislation authorizing the State Fire Marshal and his subordinates to make examinations and investigations and to conduct hearings as to the causes of fires, for the purpose of ascertaining whether any such fire was caused by the commission of arson or any other crime; authorizing him to issue subpoenas and to interrogate witnesses under oath for such purposes; providing for the submission to the proper district attorney of all information so obtained which indicates that a crime may have been committed; and authorizing the State Fire Marshal to encourage, sponsor, and cooperate in the adoption of fire prevention measures, including methods of protecting against sabotage effected through arson, and to prepare and disseminate information relating to protection against sabotage effected through arson.

7. To consider and act upon legislation to prohibit from participation in any election, including any primary election, conducted in this State, the Communist Party or any political party or organization which is sponsored or directed by any foreign government, power or political organization, or any political party or organization which carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which carries on, advocates, teaches, justifies, aids, or abets a program of sedition or treason against the government of the United States or of this State, or which is affiliated in any way with or adopts the name of any political party or other organization which carries on, advocates, teaches, justifies, aids, or abets such overthrow or such a program.

8. To consider and act upon legislation amending the provisions of Division IXa of the Vehicle Code, relating to the operation of, and regulation of traffic upon, bridges acquired or constructed by the California Toll Bridge Authority.

9. To consider and act upon legislation making an appropriation to be allocated by the Director of Education, with the approval of the Director of Finance, to elementary and secondary school districts for reconstruction, replacement, and repair of physical facilities and buildings damaged or destroyed by earthquakes occurring in the month of May, 1940.

10. To consider and act upon legislation relating to the conditions, restrictions and manner of expenditure of moneys appropriated by Chapter 1 of the Second Extraordinary Legislative Session of 1940.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of September, A. D., One Thousand Nine Hundred and Forty.

CULBERT L. OLSON,  
Governor of California.

Attest: PAUL PEEK, Secretary of State.

[SEAL]

### Senate Resolution No. 1.

The following resolution was offered:

By Senator Slater:

*Resolved*, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this Fifty-third (Fourth Extraordinary) Session.

Resolution read, and on motion of Senator Slater adopted.

### Senate Resolution No. 2.

The following resolution was offered:

By Senator Swing:

*Resolved*, That Senator Jerrold L. Seawell be and he is hereby elected President pro tempore of the Senate; that Joseph A. Beck be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that James Boyd Garrison be and he is hereby elected Minute Clerk of the Senate; that Rev. A. Raymond Grant be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34.

NOES—None.

### Oath of Office Administered.

The newly elected officers of the Senate, Senator Jerrold L. Seawell, President pro tempore; Joseph A. Beck, Secretary; Joseph F. Nolan, Sergeant-at-Arms; James Boyd Garrison, Minute Clerk; and Rev. A. Raymond Grant, Chaplain, appeared at the bar of the Senate where the constitutional oath of office was administered to them by Paul Mason, a civil executive officer, and they subscribed to the same.

### Senate Resolution No. 3.

The following resolution was offered:

By Senator Deuel:

*Resolved*, That the Standing Rules of the Senate of the Fifty-third (First Extraordinary) Session as the same appear on page 724 to 739, inclusive, of the Senate Journal of May 24, 1940, be and the same are hereby adopted as the Rules of the Senate for this Fifty-third (Fourth Extraordinary) Session.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 3 adopted by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—34.

**NOES**—None.

#### Senate Resolution No. 4.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That the members appointed to the Committee on Rules of the Fifty-third (First Extraordinary) Session be and the same are hereby appointed members of the Committee on Rules of this Fifty-third (Fourth Extraordinary) Session, also that the members of the Committee on Finance, Revenue and Taxation, of the Fifty-third (First Extraordinary) Session, be and the same are hereby appointed members of the Committee on Finance of this Fifty-third (Fourth Extraordinary) Session, also that the members of the Committee on Governmental Efficiency of the Fifty-third (First Extraordinary) Session be and the same are hereby appointed members of the Committee on Governmental Efficiency of this Fifty-third (Fourth Extraordinary) Session, also that the members of the Committee on Social Problems of the Fifty-third (First Extraordinary) Session be and the same are hereby appointed members of the Committee on Welfare and Institutions of the Fifty-third (Fourth Extraordinary) Session; and be it further

*Resolved*, That the chairmen of the above committees of the Fifty-third (First Extraordinary) Session be and they are hereby reappointed as hereinbefore set forth.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 4 adopted by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—32.

**NOES**—None.

#### Senate Resolution No. 5.

The following resolution was offered:

By Senator Foley:

*Resolved*, That the President of the Senate appoint a Special Committee of three Senators to notify the Governor of the organization of the Senate for the Fifty-third (Fourth Extraordinary) Session and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Foley adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Foley, Brown and McCormack.

#### Senate Resolution No. 6.

The following resolution was offered:

By Senator Wagye:

*Resolved*, That the President of the Senate appoint a Special Committee of three Senators to notify the Assembly of the Organization of the Senate for the Fifty-third (Fourth Extraordinary) Session and that the Senate is now duly organized and is ready to receive any communication it may have to make.

Resolution read, and on motion of Senator Wagye adopted.

**Appointment of Special Committee.**

The President announced, in accordance with the above resolution, the appointment of Senators Wagy, Quinn and DeLap.

**Senate Resolution No. 7.**

The following resolution was offered:

By Senator McBride:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers of this Fifty-third (Fourth Extraordinary) Session:

<i>President pro tempore</i> .....	Jerrold L. Seawell
<i>Secretary of the Senate</i> .....	Joseph A. Beck
<i>Sergeant-at-Arms</i> .....	Joseph F. Nolan
<i>Minute Clerk</i> .....	James Boyd Garrison
<i>Chaplain</i> .....	A. Raymond Grant

Resolution read, and on motion of Senator McBride adopted.

**Senate Resolution No. 8.**

The following resolution was offered:

By Senator Keating:

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-third (Fourth Extraordinary) Session:

Senators	County	Mileage	Total at five cents per mile
Biggar, George M.	Mendocino	468	\$23 40
Breed, Arthur H., Jr.	Alameda	178	8 90
Brown, Charles	Inyo	1,292	64 60
Collier, Randolph	Siskiyou	590	29 50
Crittenden, Bradford S.	San Joaquin	98	4 90
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	160	8 00
Deuel, Charles H.	Butte	228	11 40
Fletcher, Ed.	San Diego	1,146	57 30
Foley, John D.	Santa Clara	256	12 80
Garrison, J. C.	Stanislaus	164	8 20
Gorden, Frank L.	Napa	110	5 50
Hays, Ray W.	Fresno	338	16 90
Holifister, J. James	Santa Barbara	854	42 70
Holohan, James B.	Santa Cruz	396	19 80
Keating, Thomas F.	Marin	210	10 50
Kenny, Robert W.	Los Angeles	894	44 70
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
McCormack, Thomas	Solano	124	6 20
Metzger, D. Jack	Tehama	286	14 30
Mixter, Frank M.	Tulare	432	21 60
Miyhand, Peter P.	Merced	222	11 10
Nielsen, Roy J.	Sacramento	2	10
Parkman, Harry L.	San Mateo	238	11 90
Phillips, John	Riverside	1,094	54 70
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rieh, Wm. P.	Yuba	104	5 20
Seawell, Jerrold L.	Placer	108	5 40
Shelley, John F.	San Francisco	180	9 00
Slater, Herbert W.	Sonoma	180	9 00
Swing, Ralph E.	San Bernardino	1,016	50 80
Tickle, Edward H.	Monterey	474	23 70
Wagy, J. I.	Kern	638	31 90

Officers	County	Mileage	Total at ten cents per mile
Patterson, Ellis E., President	Los Angeles	894	\$89 40
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40
Garrison, J. B., Minute Clerk	Alameda	178	17 80

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 8 adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, and Tickle—29.

NOES—None.

### Senate Resolution No. 9.

The following resolution was offered:

By Senator Collier:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and on motion of Senator Collier adopted.

### Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Members of the Senate and Assembly of the California Legislature,  
Sacramento, California.*

GREETINGS: You have been called into this special session on this date for purposes disclosed in the proclamation therefor, a copy of which is attached hereto. Briefly, these purposes are:

- (1) Creation and support of a State Council of Defense.
- (2) Enabling local housing authorities to undertake projects to house defense industry workers.
- (3) Permitting certain schools to remain open on Saturdays, Sundays and holidays to permit their more intense use for training artisans and mechanics.
- (4) Permitting civil service leaves of absence to State employees entering the military service.
- (5) Permitting State employees in military service to maintain their State Retirement System benefits.
- (6) Permitting the creation of an Arson and Sabotage Bureau in the Division of Fire Safety.
- (7) Permitting the abolishment of the Communist Party.
- (8) Permitting the removal of certain restrictions upon the use and operation of the recently acquired Carquinez Bridge.
- (9) Appropriating funds for the reconstruction of school buildings destroyed by earthquake.

In early August, the Council of National Defense of the Government of the United States addressed a memorandum to the governors of the forty-eight States, requesting the creation of State Councils of Defense "to provide means for full utilization of the powers and administrative organizations of Federal, State and local governments and for adjusting and coordinating programs and procedures in order that closely integrated administrative machinery may function with the maximum speed and effectiveness," and to utilize the knowledge, skill and organizational facilities of private agencies in assisting the existing public administrative agencies in a coordinating National defense program.

It was recommended that these councils be advisory to the Governors of the forty-eight States, who as Commanders in Chief of the armed forces and Chief Executives of the civil establishments were considered to be the only State officials in a position to secure executive action throughout the entire administrative structures. The functions of such State Councils of Defense as outlined by the memorandum from the Federal Government are "to advise the Governor on problems arising with respect to the (1) integration of governmental programs for defense; (2) adjustments or arrangements necessary for prompt assimilation of such programs by the administrative establishment; (3) proper coordination between the activities of government and private agencies cooperating in the defense effort."

Upon receipt of this memorandum I requested the organizing committee of an Advisory Council which I had appointed in June to recommend a proper defense organization for California, in accordance with a detailed plan suggested by the Federal Government in its memorandum, and to also recommend on a purely non-partisan basis chairmen and vice chairmen for each of the six functional committees suggested by the memorandum, so that the organized membership of all of the important elements participating in a defense program would be represented. All of the prominent citizens recommended by this committee have accepted appointment and with the representative of the California League of Cities, the Chairman of the State Planning Board and myself constitute the working Executive Committee of the present California State Council of Defense. These gentlemen are:

#### **Industrial Resources and Production Advisory Committee.**

James Mussatti, General Manager, State Chamber of Commerce.

#### **Human Resources and Skills Advisory Committee.**

Gordon S. Watkins, Dean, University of California at Los Angeles.

C. J. Haggerty, President, State Federation of Labor.

Harry See, State Representative, Railroad Brotherhoods.

#### **Housing, Works and Facilities Advisory Committee.**

Baldwin M. Woods, Regional Director, National Resources Planning Board.

John Riffe, State Director, Steel Workers Organization Committee.

E. F. Scattergood, Los Angeles Department of Water and Power.

#### **Health, Welfare and Consumer Interest Advisory Committee.**

Archibald Young, President, California Council of Social Work.

Richard Neustadt, Regional Director, Social Security Administration.

#### **Civil Protection Committee.**

Earl Warren, Attorney General.

R. E. Mittelstaedt, Adjutant General.

#### **Agricultural Resources and Production Advisory Committee.**

C. M. Brown, Jr., Agriculturist.

Jesse W. Tapp, Vice-President, Bank of America.

Samuel C. May, of the State Planning Board.

Richard Graves, Executive Secretary, League of California Cities.

This Executive Committee caused to be prepared and the members present at a meeting on September 13th unanimously approved and requested me to present to you a bill which would give legislative sanction to the existing organizations and provide necessary funds to perform the tasks already requested by the Army, Navy and other Federal agencies, including the National Council of Defense.

Because of the constitutional prohibition in California against participation in executive or administrative work by legislators, it was necessary to provide specifically that representation of both houses be secured through a joint committee empowered to serve on the council to the extent not incompatible with their status as legislators.

A separate appropriation measure granting \$50,000 to the State Planning Board and the Council of Defense has also been proposed in order to secure means for implementing defense activities within the State, pending the effective date of the proposed legislation creating the State Council of Defense.

I feel confident that the members of this Legislature will give the most earnest consideration to the establishing and financing of efficient machinery necessary for cooperating with the Federal defense program, as suggested by the National Defense Council and recommended by the representative citizens who constitute the Executive Committees of the existing State Council of Defense.

The proposal to enable housing authorities to undertake low-cost housing projects in locations convenient for their use by workers engaged in war industry, hears the hearty approval of many citizens. It is pointed out that the need for such housing projects is secondary only to that of the industries themselves.

Present law prohibits the Saturday and Sunday use of the many high schools throughout the State having machine shops and other equipment for the training of sheet metal workers, pattern workers, molders, machinists, and other artisans and mechanics of whom there now develops such an acute shortage in the war industry. The present emergency suggests the removal of this restriction in order that a more intensive use might be made of these training facilities.

The two proposals affecting State employees in the military service are requested by Adjutant General R. E. Mittelstaedt. They surely need no justification. Their merit is patent.

The proposal regarding anti-American or treasonable political parties is self-explanatory.

The request for an Arson and Sabotage Bureau in the Division of Fire Safety is supported in and throughout every quarter of California's industry; especially those whose products make them the target of the enemies of our government and



our government's defense efforts. No additional funds are requested in this connection.

The Toll Bridge Authority Amendments are correctives found desirable since the purchase of the Carquinez and Antioch Bridges. Present law prohibits the use of a Toll Bridge Authority Bridge by pedestrians, and also requires the Toll Bridge Authority to maintain 24-hour tow-car service on its bridges. Both of these provisions are quite proper in their application to the San Francisco-Oakland Bay Bridge because of its location, its long approaches, and its great length. But the Carquinez Bridge is much used by pedestrians, most of whom live and work in the vicinity of the bridge. Since there appears to be no sound reason for prohibiting such pedestrian use of the Carquinez Bridge, the amendment here contemplated has been suggested.

Since the Carquinez Bridge is relatively short (4,482 feet including its approaches), and since privately conducted tow-car services are maintained and available nearby, and since the need for such service seems very little, it is thought that the cost to the State of maintaining such a service would be an unnecessary and unwarranted expense; all of which suggests the amendment here contemplated.

The proposal to appropriate for the reconstruction of earthquake damage to schools is included in the request of Doctor Walter F. Dexter, Superintendent of Public Instruction and Director of Education, who urges it as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON,  
Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Members of the Senate and Assembly of the California Legislature,  
Sacramento, California.*

GREETINGS: Item No. 10 was included in the call on this date for the fourth extraordinary session of the California State Legislature for the following reasons:

At the second extraordinary session of the Legislature held in May, 1940, the Legislature passed an emergency measure appropriation of \$500,000 to assist in the repair of flood damages. It was designed to assist communities in recovering from the disastrous floods of the winter of 1940. I considered this a meritorious purpose and signed this bill and it became Chapter I of the Statutes of 1940, Second Session.

It later developed that Chapter I contained provisions which made it extremely difficult of operation and, to many deserving communities, of no assistance whatever. Legal opinions interpreting this law have been obtained from the Attorney General, but the legal obstacles have been so great that it has not been possible to allot any of the funds appropriated by Chapter I.

The purpose of including this item in the call of the fourth extraordinary session is to allow the amendment of Chapter I to permit its operation as contemplated when it was enacted.

Respectfully submitted.

CULBERT L. OLSON,  
Governor of California.

### Messages from the Governor.

The following messages from the Governor were received, read and ordered referred to Committee on Rules:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Honorable Members of the Senate,  
State Capitol, Sacramento, California.*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Prison Directors:

Chris Merebant, San Francisco, vice John D. McGilvray, removed, for the term ending January 12, 1948;

Dr. W. Earle Smith, San Francisco, vice Ed L. Abbott, removed, for the term ending January 12, 1946;

Hugh Lovett Spears, Grapevine, vice T. N. Harvey, removed, for the term ending January 12, 1944;

George A. Briggs, Los Angeles, vice A. R. O'Brien, removed, for the term ending January 12, 1942.

Very truly yours,

CULBERT L. OLSON,  
Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Honorable Members of the Senate,  
State Capitol, Sacramento, California.*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Education:

Lois E. Souter, Los Angeles, vice Eleanor Lloyd Smith, appointment not confirmed, for the term ending January 15, 1943;

Alice H. Dougherty, Oakland, vice self, term expired, for the term ending January 15, 1944;

James M. Tadlock, Eureka, vice Henry S. Crossman, appointment not confirmed, for the term ending January 15, 1944.

Very truly yours,

CULBERT L. OLSON,  
Governor of California.

CLO:a

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 1:** By Senator Breed—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature.

Senate Bill No. 1 read first time, and referred to Committee on Rules.

### Reports of Special Committees.

The following reports of Special Committees were received:

Senators Foley, Brown and McCormack, the Special Committee, appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Wagy, Quinn and DeLap, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

### Recess.

At one o'clock and fifty-five minutes p.m., on motion of Senator Fletcher, the President of the Senate declared recess until two o'clock p.m., to hear from Congressman Leland Ford.

**Reconvened.**

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Committee of the Whole.**

Senator Phillips moved that the Senate resolve itself into a Committee of the Whole for the purpose of discussing the condition of the Governor's Emergency Fund.

Motion carried.

**SENATE MEETS AS COMMITTEE OF THE WHOLE.**

At two o'clock and ten minutes p.m., the Senate met as a Committee of the Whole.

**Committee of the Whole Arises.**

At three o'clock and fifty-five minutes p.m., on motion of Senator Phillips, the Committee of the Whole arose.

**IN SENATE.**

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Message from the Assembly.**

At three o'clock and fifty-five minutes p.m., a committee from the Assembly, consisting of Messrs. Maloney, Bennett and Wollenberg, appeared at the bar of the Senate and announced that the Assembly was duly organized and ready to proceed with the business of the State.

**Introduction, First Reading and Reference of Bills.**

The following bills were introduced :

**Senate Bill No. 2:** By Senators Slater, Quinn and Rich—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Senate Bill No. 2 read first time, and referred to Committee on Rules.



**Senate Bill No. 3:** By Senators Kenny and Shelley—An act to amend section 13105 of the Health and Safety Code, and to add Chapter 1.5 (embracing sections 13150 to 13156, inclusive) to Part 2 of Division XII thereof, relating to duties of the State Fire Marshal in encouraging, sponsoring and cooperating in the adoption of fire protection measures, including methods for protecting against sabotage effected through arson, and to his duties in preparing and disseminating information relative to methods of protecting against sabotage effected through arson; authorizing investigations by the State Fire Marshal and his subordinates of buildings and premises where fires have occurred, of persons guilty of having knowledge thereof, and of arson and other crime committed in connection therewith.

Senate Bill No. 3 read first time, and referred to Committee on Rules.

### **Adjournment.**

At four o'clock p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Sunday, September 22, 1940.

JAMES BOYD GARRISON, Minute Clerk.



CALIFORNIA LEGISLATURE  
FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

# SENATE DAILY JOURNAL

## IN SENATE

SENATE CHAMBER, SACRAMENTO,  
Sunday, September 22, 1940.

The Senate met at ten o'clock and thirty minutes a.m.  
Hon. Ellis B. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beck at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McCormack, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Waggy--31.

Quorum present.

### Prayer.

Prayer was offered by Senator Myhand.

### Reading of the Journal.

During the reading of the Journal of Saturday, September 21, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly elected the following constitutional officers for the Fifty-third (Fourth Extraordinary) Session:

Hon. Gordon H. Garland	Speaker
Hon. Gardiner Johnson	Speaker pro tempore
Jack Carl Greenburg	Chief Clerk
David V. Oliver	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Raymond Lull Bailey	Chaplain

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. Boorn, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 7—An act to amend sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

Assembly Bill No. 3—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Assembly Bill No. 1—An act to add sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

Assembly Bill No. 8—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 7 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 3 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 8 read first time, and referred to Committee on Governmental Efficiency.

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1—Relative to Hiram Warren Johnson.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

## Consideration of Assembly Concurrent Resolution No. 1.

### Assembly Concurrent Resolution No. 1.

Relative to Hiram Warren Johnson.

WHEREAS, Hiram Warren Johnson was born in Sacramento September 2, 1866, and has recently passed the seventy-fourth anniversary of that occasion; and

WHEREAS, He served as Governor of California for six years, during which time he brought California to the forefront in the enactment of progressive legislation and made the State Government a shining example of honesty and responsibility, so that his name is known for statesmanship and humanity in every household of the State; and

WHEREAS, For the past 24 years he has represented California in the greatest deliberative body in the world, where he has been zealous and effective, stalwartly defending, guarding and preserving the respective interests, rights and privileges of the citizen, the State and the Nation, in all their varied manifestations and relationships, ever battling for the right as he sees it; and

WHEREAS, The people of California in appropriate recognition of his exemplary service and his maturity of judgment have recently, by an overwhelming vote, drafted him for service in the United States Senate for the fifth consecutive time; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That on behalf of the people of California the Legislature congratulates Hiram Warren Johnson on his years and his victories, and expresses the wish of all that the Nation may continue to have the benefit of his counsel in the future as in the past; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Senate of these United States and a suitably engrossed copy to Hiram Warren Johnson.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34.

NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

### Report of Standing Committee.

The following report of standing committee was received, read, and adopted:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred the Governor's Message of September 21, 1940, appointing members of the State Board of Prison Directors and also his message of the same date appointing members of the State Board of Education, has had the same under consideration and respectfully reports them back and recommends that the Secretary of the Senate be instructed to return said communications to the Governor without prejudice advising him that these appointments are now under consideration by the First Extraordinary Session and will be acted upon in due course before the Fifty-third (First Extraordinary) Session adjourns sine die.

SEAWELL, Chairman.

### Introduction, First Reading and Reference of Bills.

The following bills were introduced:

**Senate Bill No. 4:** By Senator Fletcher—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Senate Bill No. 4 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 5:** By Senator Nielsen—An act to add section 395.4 to, and to amend section 395.5 of, the Military and Veterans Code, relating to the rights and privileges of State civil service officers and employees engaged in military or naval duties, and providing that this act shall take effect immediately.

Senate Bill No. 5 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 6:** By Senator Nielsen—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Senate Bill No. 6 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 7:** By Senator Nielsen—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States.

declaring the urgency thereof and providing that this act shall take effect immediately.

Senate Bill No. 7 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 8:** By Senator Shelley—An act to amend section 152 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, to take effect immediately.

Senate Bill No. 8 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 9:** By Senator Shelley—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

Senate Bill No. 9 read first time, and referred to Committee on Governmental Efficiency.

**Senate Bill No. 10:** By Senator Swing—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Senate Bill No. 10 read first time, and referred to Committee on Finance.

**Senate Bill No. 11:** By Senators Phillips, Brown, Nielsen, Wagy and Mixter—An act to add Division VII, consisting of Chapter I, sections 1400 to 1411, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature and for the appointment of an Advisory Committee for the assistance of members of the Legislature; and providing an appropriation for the purposes of the chapter.

Senate Bill No. 11 read first time, and referred to Committee on Welfare and Institutions.

### Second Reading of Senate Bills.

**Senate Bill No. 1—**An act providing for the establishment and organization in the Executive Department of the State Government of



a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature.

Bill read second time, and ordered re-referred to Committee on Welfare and Institutions.

**Senate Bill No. 2**—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 3**—An act to amend section 13105 of the Health and Safety Code, and to add Chapter 1.5 (embracing sections 13150 to 13156, inclusive) to Part 2 of Division XII thereof, relating to duties of the State Fire Marshal in encouraging, sponsoring and cooperating in the adoption of fire protection measures, including methods for protecting against sabotage effected through arson, and to his duties in preparing and disseminating information relative to methods of protecting against sabotage effected through arson; authorizing investigations by the State Fire Marshal and his subordinates of buildings and premises where fires have occurred, of persons guilty or having knowledge thereof, and of arson and other crime committed in connection therewith.

Bill read second time, and ordered re-referred to Committee on Governmental Efficiency.

### Recess.

At eleven o'clock and fifteen minutes a.m., on motion of Senator Seawell, the President of the Senate declared recess until one o'clock and thirty minutes p.m.

**Reconvened.**

At one o'clock and thirty minutes p.m., the Senate reconvened.  
Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Recess.**

At one o'clock and thirty-one minutes p.m., on motion of Senator Seawell, the President of the Senate declared recess until two o'clock and thirty-five minutes p.m.

**Reconvened.**

At two o'clock and thirty-five minutes p.m., the Senate reconvened.  
Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Reports of Standing Committees.**

The following reports of standing committees were received and read:

**On Finance.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 2—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes 8; absent 3.

TICKLE, Chairman.

**On Governmental Efficiency.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1—An act to add sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties;

Assembly Bill No. 3—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 7—An act to amend sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately;

Assembly Bill No. 8—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 6—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service,



declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 7—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

#### On Welfare and Institutions.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 11—An act to add Division VII, consisting of Chapter I, sections 1400 to 1411, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature and for the appointment of an Advisory Committee for the assistance of members of the Legislature; and providing an appropriation for the purposes of the chapter;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, but without recommendation as to the final disposition of the bill.

Committee membership—11; committee vote: Ayes—6; noes—4; absent—1.

PHILLIPS, Chairman.

### Consideration of Committee Amendments.

Pursuant to the report of the Committee on Welfare and Institutions, the following amendments to Senate Bill No. 11 were read and adopted:

#### Amendment No. 1.

In line 19 of the title of the printed bill, after "the", and before "work", insert the following: "appointment and".

#### Amendment No. 2.

On page 2 of the printed bill, strike out line 10, and in line 11, strike out "the Assembly", and insert in lieu thereof the following: "the majority of the members of the legislative committee created under this chapter".

#### Amendment No. 3.

On page 2 of the printed bill, strike out lines 45 and 46, and insert in lieu thereof the following:

"1403. Immediately upon the effective date of this chapter, the".

#### Amendment No. 4.

On page 2, line 50, of the printed bill, after "Assembly," insert the following: "shall advise and consent by a majority vote to the appointment of the members of the State Council of Defense by the Governor. The members of the Legislature".

#### Amendment No. 5.

On page 3, line 37, of the printed bill, strike out "president", and strike out line 38, and insert in lieu thereof the following: "legislative committee and".

#### Amendment No. 6.

On page 3, lines 40 and 41, of the printed bill, strike out "president pro tempore of the Senate and the Speaker of the Assembly", and insert in lieu thereof the following: "legislative committee, expressed by a majority vote".

#### Amendment No. 7.

On page 4 of the printed bill, strike out lines 46 through 52, inclusive, and on page 5, strike out lines 1 through 13, inclusive.

Bill ordered to print, and on file for second reading.

### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 1, 3, 7 and 8, and Senate Bills Nos. 2, 6 and 7 present a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—32.

NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bills Nos. 1, 3, 7 and 8, and Senate Bills Nos. 2, 6, and 7.

### Consideration of Assembly Bill No. 1.

**Assembly Bill No. 1**—An act to add sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

Bill read second time.

#### Amendments From the Floor.

During second reading of Assembly Bill No. 1, the following amendments, offered by Senator Kenny, were read:

##### Amendment No. 1.

In line 1 of the title of the printed bill, strike out "2540.3, 2540.4," and insert in lieu thereof the following: "2540.4".

##### Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 7, inclusive.

##### Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "Sec. 2.", and insert in lieu thereof the following: "Section 1."

##### Amendment No. 4.

On page 2 of the printed bill, strike out lines 2 and 3, and in line 4, strike out "other", and insert in lieu thereof the following: "any means whatsoever, with any".

##### Amendment No. 5.

On page 2, line 11, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".

##### Amendment No. 6.

On page 2 of the printed bill, strike out lines 13 to 15, inclusive, and insert in lieu thereof the following:

"2540.9. At least 150 days before each primary election the Secretary of State shall hold a hearing and determine within 120 days before such primary election which parties are qualified under this article to participate in the next forthcoming primary election. Notice of such hearing shall be mailed to the secretary of the State Central Committee of each party which qualified to participate in the last preceding primary election at the last known address of each such secretary as shown on the records on file in the office of the Secretary of State. The failure of any such secretary to receive the notice or any erroneous address thereon shall not affect the jurisdiction of the Secretary of State to proceed with the hearing. In the

absence of such a determination by the Secretary of State no party may be disqualified from participation in any primary election.

Such deter-".

**Amendment No. 7.**

On page 2, line 18, of the printed bill, strike out "4", and insert in lieu thereof the following: "3".

**Amendment No. 8.**

On page 2, line 22, of the printed bill, strike out "5" and insert in lieu thereof the following: "4".

**Motion to Table.**

Senator Myhand moved that the above amendments be laid on the table.

Motion carried, and such was the order.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—33.

NOES—Senator Kenny—1.

Title read and approved.

Assembly Bill No. 1 ordered transmitted to the Assembly.

**Consideration of Senate Bill No. 6.**

**Senate Bill No. 6**—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Bill read third time.

**Urgency Clause.**

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution. The following is a statement of the facts constituting such necessity:

In view of the apparent necessity for providing an adequate National defense program as promptly as possible, it is anticipated that many State employees may volunteer their services with the military and naval forces of the United States instead of awaiting conscription under the Federal Selective Military Service Law. It has, therefore, become necessary to provide for the retention of the civil service rights of those so going into service. The preservation of a sound civil service system requires that this protection be afforded to these employees, and in order to make this act fully effective it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—33.

NOES—None.

Title read and approved.

Senate Bill No. 6 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 7.

**Senate Bill No. 7**—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Bill read third time.

#### Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution. The following is a statement of the facts constituting such necessity:

The effect on the retirement rights of State employees of the Federal law providing for National selective military service necessities an immediate amendment of the law in order to protect the retirement rights and benefits of State employees who will be called upon to serve their country in its armed forces. In order to make this act fully effective and to prevent an unjust and inequitable discrimination against State employees who are performing a patriotic duty, it is necessary that it take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Tickle—32.

NOES—None.

Title read and approved.

Senate Bill No. 7 ordered transmitted to the Assembly.

### Consideration of Senate Bill No. 2.

**Senate Bill No. 2**—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed



by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

**Urgency Clause.**

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. The statement of the facts constituting such necessity is as follows:

It has developed that some of the requirements, express or implied, of the act which this act amends, operate to hamper the expenditure of the moneys appropriated thereby and to delay the accomplishment of the purposes thereof. In order to avoid such delay and make possible the completion of the needed work of repair and restoration prior to the time when storms and floods may again be expected and to avert further danger to the public peace, health and safety, it is necessary that this amendatory act go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Denel, Fletcher, Foley, Garrison, Gordon, Hollister, Holohan, Keating, Mayo, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—31.

NOES—None.

Title read and approved.

Senate Bill No. 2 ordered transmitted to the Assembly.

**Consideration of Assembly Bill No. 7.**

**Assembly Bill No. 7**—An act to amend sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

Bill read second time.

Bill read third time.

**Urgency Clause.**

SEC. 5. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, and shall therefore take effect immediately. The facts constituting such necessity are as follows: The existing provisions of Division IXa of the Vehicle Code were enacted prior to the acquisition by the State, under the provisions of the California Toll Bridge Authority Act, of the Carquinez and Antioch Bridges, and the application of the existing provisions of the sections of the Vehicle Code hereby amended to said bridges would result in confusion, impediment of traffic and in endangering public safety. The State is not equipped to furnish the towing service required under existing law, and prohibition against the furnishing of towing service by others would result in

confusion, delay of traffic, and danger to the public safety. The prohibition of certain kinds of traffic will prohibit the use of said bridges in the manner heretofore permitted.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Hollister, Holohan, Mayo, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Hollister, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—33.

NOES—None.

Title read and approved.

Assembly Bill No. 7 ordered transmitted to the Assembly.

### **Re-reference of Assembly Bills Nos. 3 and 8.**

Senator Seawell moved that Assembly Bills Nos. 3 and 8 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### **Messages from the Assembly.**

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2—An act to add section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 2 read first time, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 6—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Assembly Bill No. 6 read first time, and referred to Committee on Rules.

# **Senate Resolution No. 10.**

The following resolution was offered:

By Senators Metzger and Mayo:

WHEREAS, The people of the civilized world and particularly of the State of California were shocked and grieved to learn of the kidnapping of three year old Mare de Tristan from his Hillsborough home; and

WHEREAS, News has now come to us by teletype message that the kidnapper has been captured and the baby found alive and well; and

WHEREAS, This capture was made by mountaineers of the State of California whose public-spirited conduct is a source of great satisfaction to the members of this Senate; now, therefore, be it

*Resolved*, That the Senate commend those who effected the capture of this criminal and that the Secretary of the Senate be instructed to send to them, when their names and addresses are ascertained, suitably engrossed copies of this resolution of commendation.

Resolution read, and on motion of Senator Metzger adopted.

## **Privilege of Floor of Senate Extended.**

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Edwin Mattox, Past President of the Young Democrats of San Francisco, Incorporated.

## **Report of Standing Committee.**

The following report of standing committee was received and read:

### **On Rules.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 2—An act to add section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately;

Assembly Bill No. 6—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be referred to the Committee on Finance.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

Assembly Bills Nos. 2 and 6 ordered referred to Committee on Finance.

## **Introduction, First Reading and Reference of Bills.**

The following resolutions were introduced:

**Senate Joint Resolution No. 1:** By Senator Myhand—Relative to memorializing Congress and the President of the United States to enact legislation for the purpose of deporting Harry Bridges.

Senate Joint Resolution No. 1 read, and referred to Committee on Rules.

**Senate Concurrent Resolution No. 1:** By Senator Biggar—Relative to legislation on Defense Council and subjects directly related thereto.

### Consideration of Senate Concurrent Resolution No. 1.

Senator Biggar asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 1, without reference to committee for purpose of adoption.

#### Senate Concurrent Resolution No. 1.

Relative to legislation on Defense Council and subjects directly related thereto.

WHEREAS, The Governor has included as an item of legislation in his Proclamation for this Fourth Special Session of the Legislature, the creation of the State Council of Defense and subjects directly related thereto; and

WHEREAS, The enactment of this legislation should not be undertaken in view of the gravity of the situation without full study and adequate consideration, nor until such time as Congress has developed a defense program; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature hereby expresses its intention to study thoroughly and adequately the need for such legislation and the ramifications thereof; and be it further

*Resolved,* That the Legislature is anxious to further the National Defense Program and does not intend to finally adjourn this Fourth Special Session until it has had time to so adequately consider the creation of a California State Council of Defense; and he it further

*Resolved,* That when it has completed its consideration the Legislature expresses its intention of reconvening for the purpose of finally disposing of the proposal.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Deuel, Fletcher, Gordon, Hays, Holohan, Keating, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Swing, Tickle, and Wagye—21.

NOES—Senators Cunningham, Foley, Garrison, Hollister, McBride, Nielsen, Quinn, Shelley, and Slater—9.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

#### Recess.

At five o'clock and fifty minutes p.m., on motion of Senator Seawell, the President of the Senate declared recess until eight o'clock p.m.

#### Reconvened.

At eight o'clock p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

#### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 6—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.

Senate Bill No. 6 ordered to enrollment.



ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1—Relative to legislation on Defense Council and subjects directly related thereto.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

### Reports of Standing Committee.

The following reports of standing committee were received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2—An act to add section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

TICKLE, Chairman.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 6—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

TICKLE, Chairman.

### Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 2—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 7—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 1—Relative to memorializing Congress to pass legislation for the control of predators.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Joint Resolution No. 1 read, and referred to Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 2—Relative to a recess of the Senate and Assembly of the State of California.

JACK CARL GREENBURG, Chief Clerk of Assembly.

Assembly Concurrent Resolution No. 2 read, and referred to Committee on Rules.

### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 2.

#### Amendment No. 1.

On page 2, line 22, of the printed bill, strike out the period, and insert in lieu thereof the following: "; and

(c) Such expenditure and purpose is first approved by the State Controller".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 2?

The roll was called, and Assembly amendment to Senate Bill No. 2 concurred in by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Slater, and Wagy—27.

NOES—None.

Senate Bill No. 2 ordered to enrollment.

### Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 7.

#### Amendment No. 1.

In line 2 of the title of the printed bill, strike out "Law", and insert in lieu thereof the following: "Act".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 7?

The roll was called, and Assembly amendment to Senate Bill No. 7 concurred in by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, and Wagy—26.

NOES—None.

Senate Bill No. 7 ordered to enrollment.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 1—Relative to memorializing Congress to pass legislation for the control of predators;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be placed on file.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

### Consideration of Assembly Joint Resolution No. 1.

#### Assembly Joint Resolution No. 1.

Relative to memorializing Congress to pass legislation for the control of predators.

WHEREAS, Due to existing Federal legislation the killing of predators that prey upon our fish and game is prohibited in national parks; and

WHEREAS, Such predators daily take a deadly toll of fish and game in and out of national parks; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California does hereby memorialize the President and Congress of the United States to consider and enact legislation permitting the control of predators in National parks in the State of California by the California Fish and Game Commission and its duly authorized officers and agents; and be it further*

*Resolved, That the Chief Clerk of the Assembly of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California to the Congress of the United States, and that such Senators and members from California are respectfully urged to support such legislation.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Waggy—28.

NOES—None.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

#### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved, That Assembly Bills Nos. 6 and 2 present a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon their passage.*

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger,

Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Wagy—27.  
NOES—None.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bills Nos. 2 and 6.

### Consideration of Assembly Bill No. 2.

**Assembly Bill No. 2**—An act to add section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday, and declaring that this act shall take effect immediately.

Bill read second time.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows:

The Federal Government is making preparations to defend this Nation against possible aggression, and in preparing for the national defense, it is necessary to construct large amounts of military weapons, stores and supplies. The Federal Government has requested that the facilities of the public schools be used to the fullest possible extent in training persons for such purposes. Under the present law of this State, the schools must remain closed on Saturdays and certain other days and the inability to use the schools and the large amounts of equipment and other facilities of the schools to the fullest extent is hampering plans for the national defense. Upon this act becoming effective, the training facilities and the preparations for the defense of the State and Nation will be materially enhanced.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Wagy—27.  
NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Wagy—29.  
NOES—None.

Title read and approved.

Assembly Bill No. 2 ordered transmitted to the Assembly.

### Consideration of Assembly Bill No. 6.

**Assembly Bill No. 6**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Bill read second time.



**Amendment From the Floor.**

During third reading of Assembly Bill No. 6, the following amendment, offered by Senator Rich, was read and adopted:

**Amendment No. 1.**

On page 1, line 1, of the printed bill, strike out "\$255,000", and insert in lieu thereof "\$100,000".

Bill read, ordered to print, and on file.

**Report of Standing Committee.**

The following report of standing committee was received and read:

**On Rules.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 2—Relative to a recess of the Senate and Assembly of the State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be placed on file.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

**Consideration of Assembly Concurrent Resolution No. 2.**

**Assembly Concurrent Resolution No. 2.**

Relative to a recess of the Senate and Assembly of the State of California.

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-first day of September, 1940, pursuant to a Proclamation of the Governor of the State of California, as provided by section 9 of Article V of the Constitution of the State of California; and

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940; and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

*Resolved,* That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

*Resolved,* That the Senate and the Assembly of the State of California shall adjourn at nine o'clock p.m. on the twenty-second day of September, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at eleven o'clock a.m. on said second day of December, 1940, unless sooner reconvened as hereinafter provided; and be it further

*Resolved,* That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided,

the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Wagy—28.

NOES—None.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 12:** By Senators Quinn and Garrison—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, in accordance with the recommendations of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature.

Senate Bill No. 12 read first time, and referred to Committee on Governmental Efficiency.

### Consideration of Assembly Bill No. 6.

**Assembly Bill No. 6**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Bill read third time.

#### Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The following is a statement of facts constituting such necessity:

Severe earthquakes occurring in the month of May, 1940, have damaged or destroyed school buildings and other physical facilities of elementary and secondary

school districts in Imperial County. Unless these buildings and facilities are replaced without delay, the educational opportunities of the children in these districts will be curtailed, and the health of the residents of a large area of the State will be endangered by the use of temporary and make-shift structures. The responsibility of providing for the education of these children and for the protection of the health of the community is an obligation of the State which must be discharged immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tinkle, and Wagy—28.

NOES—None.

The question being on the passage of the bill.

The roll was called.

### Call of the Senate.

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tinkle, and Wagy—29.

The Secretary announced the absentees.

Time, eight o'clock and forty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

### Proceedings Under Call of the Senate.

#### Senate Resolution No. 11.

The following resolution was offered:

By Senator Seawell:

WHEREAS, The Legislature of the State of California is convened in (Fourth Extraordinary) Session pursuant to Proclamation of the Governor dated September 21, 1940, the contents of which proclamation are incorporated herein by reference as if set forth at length; and

WHEREAS, It is necessary that careful study and consideration be given by the Legislature to all the matters contained in said proclamation and not heretofore fully acted upon; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Governmental Efficiency Standing Committee of the Senate of the Fourth Extraordinary Session is hereby authorized and directed to gather, assemble, study and analyze all facts and matters pertaining to the subjects of legislation set forth in said proclamation, and matters incidental thereto, and particularly with reference to the proposal to establish a California State Council of Defense; and be it further

*Resolved*, That said committee of the Fourth Extraordinary Session shall have and exercise like powers and duties to those vested by resolution in the Governmental Efficiency Standing Committee of the Senate of the First Extraordinary Session of the Fifty-third Legislature; and be it further

*Resolved*, That said Governmental Efficiency Standing Committee of the Senate of the Fourth Extraordinary Session shall have and exercise all the powers and duties vested in it by the Standing Rules of the Senate for said session and that it is hereby authorized to meet during any recess of that session, at the State Capitol or elsewhere in the State; and be it further

*Resolved*, That the appropriation heretofore made from the contingent fund of the Senate to the Governmental Efficiency Standing Committee of the First Extraordinary Session is hereby made available equally for expenditure by the Governmental Efficiency Standing Committee of the Senate of the Fourth Extraordinary Session, to be disbursed upon certification of the chairman of the committee upon warrants drawn by the Controller upon the Treasurer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 11 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Deuel, Fletcher, Foley, Gordon, Hays, Holohan, Keating, Mayo, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Slater, and Wagy—24.

NOES—None.

### Approval of Journal.

The Senate Journal of the Fifty-third (Fourth Extraordinary) Session of Saturday, September 21, 1940, was, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

### Re-reference of Senate Bill No. 11.

Senator Seawell moved that Senate Bill No. 11 be referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### Withdrawal and Re-reference of Senate Bill No. 1.

Senator Phillips moved that Senate Bill No. 1 be withdrawn from Committee on Welfare and Institutions, and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

### Further Proceedings Under Call of the Senate Dispensed With.

At eight o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The names of the absentees were called, and Assembly Bill No. 6 refused passage by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Holohan, Mayo, McBride, McCormack, Mixter, Myhand, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, and Wagy—23.

NOES—Senators Biggar, Breed, Hays, Keating, Metzger, and Powers—6.

### Motion to Reconsider.

Senator Fletcher moved to reconsider the vote whereby Assembly Bill No. 6 was refused passage.

### Postponement of Reconsideration.

On motion of Senator Fletcher, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 6 was refused passage was continued until the next legislative day.



### Senate Resolution No. 12.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That the President of the Senate appoint a Committee of Three to notify the Governor that the Senate is ready to recess in accordance with the provisions of Assembly Concurrent Resolution No. 2, and to ask His Excellency if he has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Seawell, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Powers, Rich and McBride.

### Senate Resolution No. 13.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That the President of the Senate appoint a Committee of Three to notify the Assembly that the Senate is ready to recess in accordance with the provisions of Assembly Concurrent Resolution No. 2 and to ask the Assembly if it has any further communication to submit to the Senate.

Resolution read, and on motion of Senator Seawell, adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Quinn, Mayo and Breed.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to legislation on Defense Council and subjects directly related thereto;

Senate Bill No. 2—An act to amend section 1 of, and to add sections 2 and 2.1 to, an act entitled "An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately;

Senate Bill No. 6—An act to add section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 7—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Act, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-second day of September, 1940, at eight o'clock and thirty minutes p.m.

SEAWELL, Chairman.

### Approval of Minutes.

The minutes of this legislative day, Sunday, September 22, 1940, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

**Message from the Assembly.**

At eight o'clock and fifty-five minutes p.m. a committee from the Assembly, consisting of Messrs. Field, Robertson and Heisinger, appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn for the recess, and had no further communications to transmit to the Senate.

**Report of Committee.**

Senator Quinn, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 2, reported that the committee had delivered the message to the Assembly, and had been requested by the Assembly to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the recess.

**Report of Committee.**

Senator Brown, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 2, reported that they had performed their duty.

**Adjournment.**

Whereupon at nine o'clock p.m., on motion of Senator Phillips, in accordance with the provisions of Assembly Concurrent Resolution No. 2, the President of the Senate declared the Fifty-third (Fourth Extraordinary) Session of the Senate adjourned until eleven o'clock a.m., Monday, December 2, 1940, unless sooner reconvened in accordance with the provisions of Assembly Concurrent Resolution No. 2.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

---

# SENATE DAILY JOURNAL

---

## IN SENATE

---

SENATE CHAMBER, SACRAMENTO,  
Monday, December 2, 1940.

The Senate met at eleven o'clock a.m., pursuant to the provisions of Assembly Concurrent Resolution No. 2, reconvening the Legislature after the recess.

Lieutenant Governor Ellis E. Patterson, President of the Senate of the Fifty-third Session, in the chair, called the Senate to order.

Joseph A. Beek, Secretary of the Senate; James Boyd Garrison, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

### Roll Call.

The roll was called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—33.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. W. Riee of San Diego.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Connover of Los Angeles, and F. C. Kelpatreek of Rockport.

**Senate Resolution No. 14.**

The following resolution was offered:

By Senator Kenny:

*Resolved*, That the President of the Senate appoint a Special Committee of three to notify the Governor that the Senate has reconvened the Fifty-third (Fourth Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 2, and is now ready to receive any communication he may have to make.

**Appointment of Special Committee.**

The President announced, in accordance with the above resolution, the appointment of Senators Kenny, Breed and Mayo.

**Senate Resolution No. 15.**

The following resolution was offered:

By Senator Parkman:

*Resolved*, That the President of the Senate appoint a Special Committee of three to notify the Assembly that the Senate has reconvened the Fifty-third (Fourth Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 2, and is now ready to proceed with the business of the State.

**Appointment of Special Committee.**

The President announced, in accordance with the above resolution, the appointment of Senators Parkman, Quinn and Biggar.

**Senate Resolution No. 16.**

The following resolution was offered:

By Senator Tickle:

*Resolved*, That the following named persons previously elected to the statutory offices set forth below be and the same are hereby directed to reassume their official duties.

Joseph F. Nolan, Sergeant-at-Arms;

J. Boyd Garrison, Minute Clerk;

Rev. A. Raymond Grant, Chaplain.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Resolution No. 16 adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Fletcher, Gordon, Hays, Holohan, Jespersen, Keating, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Waggy—25.

NOES—None.

**Introduction, First Reading and Reference of Bills.**

The following bill was introduced:

**Senate Bill No. 13:** By Senator Seawell—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Legislature, this act to take effect immediately.

Senate Bill No. 13 read first time, and referred to Committee on Rules.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 2, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 13—An act making an appropriation for the expenses of the Senate for the fourth extraordinary session of the Legislature, this act to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

#### Resolution.

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bill No. 13 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

#### Call of the Senate.

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Brown, Collier, Crittenden, DeLap, Fletcher, Gordon, Hays, Holohan, Jaspersen, Keating, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Slater, Swing, and Wagy—21.

The Secretary announced the absentees.

Time, eleven o'clock and ten minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

#### Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

The names of the absentees were called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jaspersen, Keating, Kenny, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

Whereupon, the President declared the provisions of section 15, Article IV, of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 13.

### Consideration of Senate Bill No. 13.

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Hays, Holohan, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Rich, Seawell, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

Title read and approved.

Senate Bill No. 13 ordered transmitted to the Assembly.

### Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Fletcher moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 6 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called, and Assembly Bill No. 6 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Fletcher, Garrison, Gordon, Holohan, Jespersen, Keating, Kenny, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—24.

NOES—Senators DeLap, Metzger, Myhand, and Tickle—4.

### Re-reference of Assembly Bill No. 6.

Senator Fletcher moved that Assembly Bill No. 6 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

### Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, December 2, 1940.

*Honorable Members of the Senate,  
Sacramento, California.*

GENTLEMEN: No doubt you are wholly familiar with the matters which I am calling to your attention herein. However, some of the subjects of this and other extraordinary sessions of the Legislature, and chiefly the subjects related to the National Defense, are of such importance that I feel that I should call your attention to the necessity of action prior to the next regular session of the Legislature.



A measure passed at one of the special sessions can not take effect until at least March, 1941; that is, ninety days after adjournment of the session at which it is passed. A measure passed at the regular session in all probability will not take effect until September, 1941. It is true that an urgency measure can go into immediate effect, but it will be remembered that Article IV, Section 1, of the State Constitution provides that "no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure." Therefore, it is plain that those measures which may be construed as creating an office or changing the duties of an officer and which will be needed before September, 1941, should be acted upon before the regular session of the Legislature.

I may say, also, that some of the defense measures, while apparently of small individual significance, may be a necessary step in a very large program and the delay in the matter of legislation may cause serious delays in the program.

Respectfully submitted.

CULBERT L. OLSON,  
Governor of California.

CLO:lm

### Messages from the Governor.

The following messages from the Governor were received and read and ordered referred to Committee on Rules:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, December 2, 1940.

*To the Honorable Members of the Senate, State Capitol,  
Sacramento, California.*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Prison Directors:

Chris Merchant, San Francisco, vice John D. McGilvray, removed, for the term ending January 12, 1944;

Dr. W. Earle Smith, San Francisco, vice Ed L. Abbott, removed, for the term ending January 12, 1942;

Hugh Lovett Spears, Grapevine, vice T. N. Harvey, removed, for the term ending January 12, 1948;

George A. Briggs, Los Angeles, vice A. R. O'Brien, removed, for the term ending January 12, 1946.

Very truly yours,

CULBERT L. OLSON,  
Governor of California.

CLO:a

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, December 2, 1940.

*To the Honorable Members of the Senate, State Capitol,  
Sacramento, California.*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Education:

Lois E. Souter, Los Angeles, vice Eleanor Lloyd Smith, appointment not confirmed, for the term ending January 15, 1943;

Alice H. Dougherty, Oakland, vice self, term expired, for the term ending January 15, 1944;

James M. Tadlock, Eureka, vice Henry S. Grossman, appointment not confirmed, for the term ending January 15, 1944.

Very truly yours,

CULBERT L. OLSON,  
Governor of California.

CLO:a

### Recess.

At twelve o'clock m., on motion of Senator Seawell, the President of the Senate declared recess until three o'clock and forty minutes p.m.

### Reconvened.

At three o'clock and forty minutes p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Message from the Assembly.**

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, December 2, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted :

Assembly Concurrent Resolution No. 3—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Assembly Concurrent Resolution No. 3 read, and referred to Committee on Rules.

**Reports of Special Committees.**

The following reports of Special Committees were received :

Senators Kenny, Breed and Mayo, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Parkman, Quinn and Biggar, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

**Adjournment.**

At three o'clock and forty-five minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, December 3, 1940.

JAMES BOYD GARRISON, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

---

# SENATE DAILY JOURNAL

---

## IN SENATE

---

SENATE CHAMBER, SACRAMENTO,  
Tuesday, December 3, 1940.

The Senate met at eleven o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Holohan, Jespersen, Kenny, Mayo, McBride, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—32.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Monday, December 2, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Leave of Absence.

Senator Shelley was, on motion of Senator Slater, granted leave of absence for this day.

### Recess.

At eleven o'clock and five minutes a.m., on motion of Senator Seawell, the President of the Senate declared recess until four o'clock and thirty-five minutes p.m.

### Reconvened.

At four o'clock and thirty-five minutes p.m., the Senate reconvened. Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 3, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Bill No. 13 ordered to enrollment.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately;

And reports that the same has been correctly enrolled and presented to the Governor on the third day of December, 1940, at four o'clock and forty-five minutes p.m.

SEAWELL, Chairman.

#### Recess.

At five o'clock p.m., on motion of Senator Seawell, the President of the Senate declared recess until five o'clock and forty minutes p.m.

#### Reconvened.

At five o'clock and forty minutes p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Bill No. 14:** By Senators Brown, Myhand, Powers, Fletcher, Gordon, Hays, Mayo and Denel—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs,

and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the appointment and work of the California State Council of Defense by members of the Legislature and for the appointment of an advisory committee for the assistance of members of the Legislature; and providing an appropriation for the purposes of the chapter.

Senate Bill No. 14 read first time, and ordered held at desk without reference to committee.

### **Adjournment.**

At five o'clock and forty-two minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, December 4, 1940.

JAMES BOYD GARRISON, Minute Clerk.





CALIFORNIA LEGISLATURE  
FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

---

# SENATE DAILY JOURNAL

---

## IN SENATE

---

SENATE CHAMBER, SACRAMENTO,

Wednesday, December 4, 1940.

The Senate met at eleven o'clock a.m.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Delap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—33.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Tuesday, December 3, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Finance.

SENATE CHAMBER, SACRAMENTO, December 3, 1940.

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 6—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; noes—2; absent—2.

TICKLE, Chairman.

### Third Reading of Assembly Bills.

**Assembly Bill No. 6**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—28.

**NOES**—Senators Hays, and Tickle—2.

Title read and approved.

Assembly Bill No. 6 ordered transmitted to the Assembly.

### Introduction, First Reading and Reference of Bills.

The following bill was introduced:

**Senate Joint Resolution No. 2:** By Senator Quinn—Relative to purchases of woolen materials and products for National Defense Program.

### Consideration of Senate Joint Resolution No. 2.

#### Senate Joint Resolution No. 2.

Relative to purchases of woolen materials and products for National Defense Program.

WHEREAS, The Government of the United States has embarked on a program designed to protect the shores of this country against the menace of totalitarianism; and

WHEREAS, As part of this program the Government is purchasing woolen materials and products necessary for adequate defense; and

WHEREAS, Consistent with the ideals of democracy which we are striving to defend and preserve is the thought that woolen goods manufacturers throughout the country should be given an opportunity to do their share towards carrying into effect the defense program; and

WHEREAS, Because of differentials in prices resulting from location, woolen goods manufacturers on the West Coast can not compete with their competitors in other sections of the country in submitting bids for Government contracts, and are thus deprived of an opportunity to participate in the defense program; and

WHEREAS, The inequities in this situation call for desirable changes at the earliest possible date; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the National Advisory Defense Commission and the United States War and Navy Departments are hereby respectfully urged to provide in their specifications for bids for National defense contracts for the purchase and sale of woolen products, in cases where the bids of West Coast manufacturers of such products would otherwise exceed those of manufacturers in other sections of the country, such excess representing the cost of transporting the products to the place of delivery, either that:

(a) An allowance in the amount of freight will be made in favor of the bids submitted by the West Coast manufacturers; or

(b) The bids submitted by West Coast manufacturers may be based on prices F.O.B. their mills; and be it further

*Resolved,* That a copy of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each member of the Senate and the House of

Representatives from California in the Congress of the United States, to Mr. Edward Stettinius and each other member of the National Advisory Defense Commission of the United States, to the Secretaries of the War and Navy Departments of the United States, and to the Quartermaster-General of the United States Army in command at Philadelphia.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Waggy—28.

NOES—None.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

### Recess.

At eleven o'clock and thirty minutes a.m., on motion of Senator Seawell, the President of the Senate declared recess until three o'clock and thirty minutes p.m.

### Reconvened.

At three o'clock and thirty minutes p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Resolution.

The following resolution was offered:

By Senator Hays:

*Resolved*, That Senate Bill No. 14 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Nielsen, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Waggy—29.

NOES—None.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 14.

### Consideration of Senate Bill No. 14.

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Vet-

erans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the appointment and work of the California State Council of Defense by members of the Legislature and for the appointment of an Advisory Committee for the assistance of members of the Legislature; and providing an appropriation for the purposes of the chapter.

#### Amendment from the Floor.

During third reading of Senate Bill No. 14 the following amendment, offered by Senator Mayo, was read and adopted:

#### Amendment No. 1.

On page 5 of the printed bill, strike out the following, commencing on line 7: "If the ordinance is approved by the council it may be enacted by the city or county."

#### Motion to Re-refer Senate Bill No. 14.

Senator DeLap moved that Senate Bill No. 14 be re-referred to Committee on Governmental Efficiency.

#### Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Collier and Shelley on the adoption of the motion.

The roll was called and the motion refused adoption by the following vote:

AYES—Senators Biggar, Breed, Cunningham, and DeLap—4.

NOES—Senators Brown, Collier, Crittenden, Deuel, Fletcher, Foley, Garrison, Gordon, Kenting, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Wagy—25.

#### Consideration of Senate Bill No. 14 (Resumed).

#### Further Amendment from the Floor.

During third reading of Senate Bill No. 14, the following amendment, offered by Senator Breed, was read and refused adoption:

#### Amendment No. 1.

On page 2, line 27, of the printed bill, after the word "chairman", insert the following: ", the Attorney General, The Adjutant General, the Superintendent of Public Instruction,".

#### Leave of Absence.

Senator Tickle was, on motion of Senator Cunningham, granted leave of absence for the balance of this legislative day.

President of the Senate in the Chair.

At four o'clock and thirty minutes p.m., Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Amendments from the Floor.

During third reading of Senate Bill No. 14, the following amendments, offered by Senator Kenny, were read:

Amendment No. 1.

On page 2, line 28, of the printed bill, after the word "Governor", strike out the remainder of said line, and strike out all of lines 29 and 30.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Shelley and Kenny on the adoption of Amendment No. 1.

The roll was called and Amendment No. 1 refused adoption by the following vote:

AYES—Senators Collier, Cunningham, Deuel, Foley, Garrison, Jespersen, Keating, Kenny, Mayo, McBride, Metzger, Myhand, Quinn, Shelley, and Slater—15.

NOES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Fletcher, Gordon, Hays, McCormack, Mixer, Nielsen, Parkman, Phillips, Powers, Rich, Seawell, Swing, and Wagy—18.

Amendment No. 2.

On page 2, line 44, of the printed bill, after the word "are", strike out the words "not confirmed through the failure of the Senate to", and in line 45, strike out the words "adopt a resolution of confirmation," and insert in lieu thereof the following: "rejected by the Senate,".

Amendment adopted.

Amendment No. 3.

On page 2, line 46, of the printed bill, after the word "immediately", strike out the words: "upon adjournment of that session".

Amendment adopted.

Amendment No. 4.

On page 3, line 2, of the printed bill, after the comma, strike out the words "it may", and strike out all of lines 3, 4, 5, 6, 7, 8 and 9, and in line 10, strike out the words: "the office of the Secretary of State and".

Amendment adopted.

Amendment No. 5.

On page 3, line 23, of the printed bill, after the word "the", strike out the word "Legislature", and insert in lieu thereof the following: "State Council and the Legislative Defense Advisory Committee".

Amendment adopted.

Amendment No. 6.

On page 3 of the printed bill, strike out all of lines 27 to 39, inclusive.

Amendment adopted.

Amendment No. 7.

On page 3, line 40, of the printed bill, strike out the numerals "1418", and insert in lieu thereof the numerals "1416"; and in line 44, strike out the numerals "1419", and insert in lieu thereof the numerals "1417".

Amendment adopted.

**Amendment No. 8.**

On page 3, line 45, of the printed bill, following the word "executive", strike out the remainder of said line, and in line 46, strike out "\$3,000 a year", and insert in lieu thereof the word "secretary".

Amendment, on motion of Senator Deuel, laid on the table.

**Amendment No. 9.**

On page 3, line 48, of the printed bill, after the period, insert the following: "The executive secretary shall be responsible to the State Council and shall exercise such duties as may be assigned to him by the council".

Amendment adopted.

**Amendment No. 10.**

On page 4 of the printed bill, strike out all of lines 46 to 50, inclusive.

Amendment adopted.

**Amendment No. 11.**

In line 19 of the title of the printed bill, following the words "in the", strike out the words: "appointment and"; and in line 21, following the letters "lature", strike out the remainder of the line; and in line 22 preceding the semicolon, strike out the words "for the assistance of members of the Legislature".

Amendment adopted.

**Amendment No. 12.**

On page 5, line 36, of the printed bill, after the period, strike out the word "This", and strike out all of lines 37, 38 and 39.

On motion of Senator Seawell, amendment was laid on the table.

**Further Amendment from the Floor.**

During third reading of Senate Bill No. 14, the following amendment, offered by Senator McCormack, was read and adopted:

**Amendment No. 1.**

On page 2, lines 28 and 29, of the printed bill, strike out the words "and consent".

**Motion to Reconsider.**

Senator Phillips moved to reconsider the vote whereby the amendment offered by Senator Breed to Senate Bill No. 14 was refused adoption.

Reconsideration granted.

**Reconsideration of the Amendment Offered by Senator Breed.****Amendment No. 1.**

On page 2, line 27, of the printed bill, after the word "chairman", insert the following: ", the Attorney General, The Adjutant General, the Superintendent of Public Instruction,".

Amendment refused adoption.

**Further Amendments from the Floor.**

During third reading of Senate Bill No. 14, the following amendments, offered by Senator Shelley, were read and adopted:

**Amendment No. 1.**

On page 3, line 18, of the printed bill, after the comma, strike out the remainder of the said line, and insert in lieu thereof the following: "who shall serve as the Legislative Defense Advisory Committee, at least a majority of which shall meet with and advise the Governor as to the".



**Amendment No. 2.**

On page 3, line 20, of the printed bill, after the period, strike out "The members of the Legislature shall meet", and insert in lieu thereof the following: "The Legislative Defense Advisory Committee shall meet".

**Further Amendment from the Floor.**

During third reading of Senate Bill No. 14, the following amendment, offered by Senator Metzger, was read and adopted:

**Amendment No. 1.**

On page 2 of the printed bill, between lines 34 and 35, insert the following: "Any member of the council may be removed for cause by a majority vote of all members of the council."

Bill read second time, ordered to print, engrossment, and on file for third reading.

**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 2—Relative to purchases of woolen materials and products for National Defense Program.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

Senate Joint Resolution No. 2 ordered to enrollment.

**Consideration of Assembly Concurrent Resolution No. 3.**

**Assembly Concurrent Resolution No. 3**—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

**Amendment from the Floor.**

During the reading of Assembly Concurrent Resolution No. 3 the following amendment, offered by Senator Seawell, was read and adopted:

**Amendment No. 1.**

At the end of the original resolution, strike out "4.30 o'clock p.m., December 3, 1940", and insert in lieu thereof the following: "3 o'clock p.m., December 5, 1940".

**Consideration of Assembly Concurrent Resolution No. 3, as Amended.****Assembly Concurrent Resolution No. 3.**

Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at one o'clock p.m., on the twenty-first day of September, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of September 21, 1940, shall adjourn sine die at three o'clock p.m., December 5, 1940.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Wagy—30.

NOES—None.

Assembly Concurrent Resolution No. 3 ordered transmitted to the Assembly.

### **Adjournment.**

At five o'clock and fifty minutes p.m., on motion of Senator Seawell, the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, December 5, 1940.

JAMES BOYD GARRISON, Minute Clerk.

CALIFORNIA LEGISLATURE  
FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

# SENATE DAILY JOURNAL

## IN SENATE

SENATE CHAMBER, SACRAMENTO,  
Thursday, December 5, 1940.

The Senate met at ten o'clock and thirty minutes a.m.  
Hon. Ellis E. Patterson, President of the Senate, in the chair.  
Secretary Joseph A. Beek at the desk.

### Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—25.

Quorum present.

### Prayer.

Prayer was offered by the Chaplain, Rev. A. Raymond Grant.

### Reading of the Journal.

During the reading of the Journal of Wednesday, December 4, 1940, the further reading was dispensed with, on motion of Senator Slater.

### Leaves of Absence.

Senator Holohan was, on motion of Senator Slater, granted leave of absence for this day.

Senator Swing was, on motion of Senator Rich, granted leave of absence for this day.

Senator Tickle was, on motion of Senator Cunningham, granted leave of absence for this day.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 14.

And reports that the same has been correctly engrossed.

SEAWELL, Chairman.

Consideration of Daily File.  
Third Reading of Senate Bill.

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

• Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Keating, Kenny, Mayo, McBride, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—21.

The Secretary announced the absentees.

Time, ten o'clock and forty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifty-eight minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

The names of the absentees were called, and Senate Bill No. 14 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Mayo, McBride, McCor-

maek, Metzger, Mixter, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—29.  
NOES—None.

Title read and approved.

Senate Bill No. 14 ordered transmitted to the Assembly.

### Approval of Journals.

The Senate Journals of the Fifty-third (Fourth Extraordinary) Session of Monday, December 2, 1940; Tuesday, December 3, 1940, and Wednesday, December 4, 1940, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

### Recess.

At eleven o'clock a.m., on motion of Senator Seawell, the President of the Senate declared recess until eleven o'clock and forty minutes a.m.

### Reconvened.

At eleven o'clock and forty minutes a.m., the Senate reconvened. Senator Nielsen, of the Ninth District, in the chair.  
Secretary Joseph A. Beek at the desk.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 2—Relative to purchases of woolen materials and products for National Defense Program;  
And reports that the same has been correctly enrolled and presented to the Governor on the fifth day of December, 1940, at eleven o'clock a.m.

SEAWELL, Chairman.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 4, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 4—Relative to the birth of Roger Hayes Moore.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Concurrent Resolution No. 4.

Assembly Concurrent Resolution No. 4.

Relative to the birth of Roger Hayes Moore.

WHEREAS, When the reverberations from the flapping of the wings of the Chief Starling had finally ceased on December 2, 1940, it was found that the Providential Carrier had presented Roger Hayes Moore to Mr. and Mrs. Clifton Hayes Moore; and

WHEREAS, Roger Hayes Moore constituted at birth nine pounds and two ounces of boundless joy not only to his parents, but particularly to his grandparents, State Printer and Mrs. George H. Moore; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature felicitate both the parents and the grandparents of Roger Hayes Moore on the occasion of this propitious addition to their family; and be it further



*Resolved*, That the Legislature foresees a long and substantial career for Roger Hayes Moore to his own credit, the credit of his parents and his grandparents, and the credit of the State of California; and be it finally

*Resolved*, That the chief clerk of the Assembly is directed to prepare and deliver a properly engrossed copy of this resolution to the family of Roger Hayes Moore to be held by them in trust for him.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—28.

NOES—None.

Assembly Concurrent Resolution No. 4 ordered transmitted to the Assembly.

### Recess.

At eleven o'clock and fifty minutes a.m., on motion of Senator Seawell, the Acting President of the Senate declared recess until two o'clock and thirty minutes p.m.

### Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Concurrent Resolution No. 3.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Call of the Senate.

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Keating, Mayo, McBride, Mixer, Myhand, Nielsen, Powers, Quinn, Rich, Seawell, Slater, and Wagy—18.

The Secretary announced the absentees.

Time, two o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.  
Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, December 5, 1940.

*To the Honorable Members of the Senate and Assembly,  
State Capitol, Sacramento, California.*

GREETINGS: I have been advised that Senate Bill 14 relating to the establishment of a California State Council of Defense has been passed by the Senate and transmitted to the Assembly.

I have been advised further that the bill, prior to amendment, provided a State Council of Defense "to consist of the Governor, as Chairman, and fourteen members appointed by the Governor with the advice and consent of the majority of the members of the committee of members of the Legislature created under" the bill and subject to confirmation by the Senate, and that in the discussion of the bill in the Senate the objection was made that the words "with the advice and consent" would require the consent of a majority of the members of the committee referred to in the bill, to the appointments mentioned, before the appointments could become valid or effective for any purpose, and that such requirement would be an invasion of the prerogatives of the Governor under the constitutional concepts of the respective functions of the Governor and the Legislature; and further that the Senate by amendment struck out the words "and consent" before passing the bill and that it was the intention of the members of that body that this amendment would effectually remove any requirement that the appointments mentioned must be approved by the committee in order to be effective, and that under the bill as passed the function of the committee would be to advise the Governor but not to act to reject or confirm any appointment.

I have requested the advice of the Legislative Counsel as to the interpretation of the words "with the advice" as used in the bill as passed by the Senate, and I have received the communication attached hereto in which he advises me that the words "with the advice" have essentially the same meaning as the words "with the advice and consent," and that the bill as it now stands would require the consent and approval of the members of the committee before the appointments of the members of the Council of Defense would be effective, contrary to the intent of the Senate.

I have been, and in the future shall be, glad to confer with any members or group of members of the Legislature, and to secure any information they may have, in relation to appointments which I have the power to make, and I shall especially be glad to confer with any members or group of members of the Legislature in regard to appointments that I might be empowered to make to a State Council of Defense, because of the common desire for unity in all matters concerning the national defense. However, I agree with the expressions of members of the Senate which I have heretofore mentioned, to the effect that the enactment of a measure containing a requirement that an appointment by the Governor must be approved by a committee of members of the Legislature before becoming effective, would be a dangerous precedent towards the abolishment of the distinctions between the functions of the administrative and legislative branches of the government, and I could not concur in such action nor approve the bill mentioned in its present form.

In view of the fact that this bill is now being considered and that the Senate and Assembly may adjourn very shortly after action has been taken on the bill, I have deemed it proper to inform you of the opinion of the Legislative Counsel, and as to my views on the bill. I may also say that I have been advised orally by the office of the Attorney General to exactly the same effect as I was advised by the Legislative Counsel.

Respectfully submitted.

CULBERT L. OLSON,  
Governor.

CLO:PW

SACRAMENTO, CALIFORNIA, December 5, 1940.

*Honorable Culbert L. Olson, Governor of California,  
State Capitol, Sacramento, California.*

DEAR GOVERNOR OLSON: You have inquired whether, if Senate Bill No. 14 of the fourth extraordinary session, as amended in the Senate December 4, 1940, becomes a law, an appointment to the State Council of Defense created thereby can be effective if not agreed to by a majority of the members of the committee of members of the Legislature also provided for therein.

The problem turns upon the meaning of the language in section 1410 of that bill, which reads as follows:

"1410. There is hereby created a California State Council of Defense to consist of the Governor as chairman and fourteen members appointed by the Governor with the advice of the majority of the members of the committee of members of the Legislature created under this chapter, and

subject to confirmation by the Senate. The action of the Senate shall be expressed by a single house resolution or resolutions, passed by a majority vote of all members elected to the Senate and filed in the office of the Secretary of State. Any member of the council may be removed for cause by a majority vote of all members of the council."

We have concluded that, although the matter is not wholly free from doubt, the bill requires the agreement of a majority of the members of the legislative committee to the appointments to the council.

In the short time available, we have discovered two cases interpreting the meaning of the phrase "with the advice of." In *Opinion of the Justices to the Governor and Council* (1906), 190 Mass. 616, 78 N. E. 311, the court said:

"As to this class of cases, where the Constitution declares that the power to act is in the Governor, or that the act may be done by the Governor, 'by and with the advice of council,' or 'by and with the advice and consent of the council,' we are of opinion that the responsibility rests primarily upon the Governor to determine, as the supreme executive magistrate, whether any action is called for, and what action, if any, is desirable; and that the provision for advice of the Council is a requirement that their approval and concurrence shall accompany the affirmative act and enter into it before it becomes complete and effective. We do not think that these different phrases, used in different parts of the Constitution, namely, 'by and with the advice of council,' 'by and with the advice and consent of the council,' 'with the advice and consent of the council,' 'with advice of council,' and 'with advice of the council,' differ at all in legal effect."

In the recent case of *Graham vs. Lockhart* (1939), 53 Ariz. 531, 91 P. (2d) 265, the court said:

"Plaintiff, without stressing the point, suggests that an appointment 'by and with the advice of the Senate' does not require 'a consent' as such phrase commonly is worded. This view is hardly tenable. The rule is otherwise in the only jurisdiction cited. In *Re Opinion of the Justices*, 190 Mass. 616, 78 N. E. 311."

It could be argued that inasmuch as the court may look at the legislative history of an act to determine its proper construction in doubtful cases (*People vs. Zadro* (1936), 16 Cal. App. (2d) 398), the amendment out of the section of the phrase "and consent" shows the intent of the Senate.

In this connection it should be noted that on the day preceding the day on which the amendment was adopted, a communication was printed in the Senate Journal for the first extraordinary session (page 808) in which is a lengthy quotation from the case first cited in this letter. The Senate may therefore have been aware of that judicial construction of the language "with the advice of."

It is also true that slightly different language is found in Section 1414:

"1414. Immediately upon the effective date of this chapter, the President pro tempore of the Senate shall appoint two members of the Senate and the Speaker of the Assembly shall appoint three members of the Assembly who, with the President pro tempore of the Senate and the Speaker of the Assembly, who shall serve as the Legislative Defense Advisory Committee, at least a majority of which shall meet with and advise the Governor as to the appointment of the members of the State Council of Defense by the Governor. The Legislative Defense Advisory Committee shall meet with and participate in the work of the council, its committees and personnel."

We believe that this language is not inconsistent with the construction herein placed on section 1410 but imposes a supplemental duty to meet and discuss the appointments with the Governor.

Very truly yours,

FRED B. WOOD, Legislative Counsel.  
By MARTIN McDONOUGH, Assistant Counsel.

MMcD:cm

### Communication.

The following communication was received, read, and on motion of Senator Garrison ordered printed in the Journal:

#### Memorandum.

To: Mr. Hession, Assistant Attorney General.  
From: Wilmer W. Morse, Deputy Attorney General.  
Dated: December 5, 1940.  
In re: Senate Bill No. 14 (Fourth Extraordinary Session).

The only authorities which I have been able to locate in the brief time allotted hold in effect that an act to be done by the Governor "by and with the advice of"

or "by and with the advice and consent of" a second body must receive the consent of the second body to become effective and that there is no difference in legal effect between the two phrases.

Opinion of the Justices, 190 Mass. 616, 78 N. E. 311; *Graham vs. Lockhart*, 53 Ariz. 531, 91 Pac. (2d) 265; 2 C. J. S. 892.

I am therefore of the view that the consent of the majority of the committee of members of the Legislature, mentioned in section 1410 of Senate Bill No. 14, Fourth Extraordinary Session, should it become law, must be obtained for the appointment by the Governor of members of the California Defense Council created therein.

WILMER W. MORSE,  
Deputy Attorney General.

WWM-LM

### Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended:

Senate Bill No. 14—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter;

And respectfully requests your honorable body to concur in said amendments.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 14.

#### Amendment No. 1.

On page 3, line 3, of the printed bill, as amended, strike out "in lieu of failing to confirm,".

#### Amendment No. 2.

On page 3, line 22, of the printed bill, as amended, strike out "who".

#### Amendment No. 3.

On page 3, line 31, of the printed bill, as amended, after "Legislative", insert the following: "Defense".

#### Amendment No. 4.

On page 4, line 5, of the printed bill, as amended, strike out "secretary", and insert in lieu thereof the following: "director".

#### Amendment No. 5.

On page 3 of the printed bill, as amended, between lines 29 and 30, insert the following:

"The function of the Legislative Committee in advising the Governor regarding appointments, as provided in section 1410 and in this section, shall not be construed as a limitation upon the power of the Governor to make appointments under this chapter nor to require any consent or approval by the committee to effectuate such appointments."



**Points of Information.**

Senator Seawell raised the following point of information:

Would the affirmative vote of twenty-one members or of twenty-seven members be required to concur in the Assembly amendments to Senate Bill No. 14?

The President announced his decision and stated that he would rule that an affirmative vote of only twenty-one members is necessary to concur in amendments to the bill.

The President having ruled that the amendments from the Assembly to Senate Bill No. 14 required only twenty-one votes for concurrence, Senator Phillips rose to a point of information and asked the following questions: (1) If the amendments included a change in the amount of the appropriation, would the President rule that twenty-seven votes were necessary to concur; and (2) If the Assembly added an urgency clause by amendment, would the President rule that twenty-seven votes were necessary to concur?

The President replied that in the instances named he would rule that twenty-seven votes were required, for the following reason: That in both instances the subject of the amendments would have required twenty-seven votes for passage, but that although the bill for any reason required twenty-seven votes for passage, only twenty-one votes would be required to concur in amendments which relate to matters which themselves would require only twenty-one votes for passage.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 14?

The roll was called.

**Call of the Senate.**

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Nielsen, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagye—24.

The Secretary announced the absentees.

Time, two o'clock and forty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Further Proceedings Under Call of the Senate Dispensed With.**

At two o'clock and forty-seven minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The names of the absentees were called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 14 by the following vote:

AYES—Senators Deuel, Foley, Garrison, Jespersen, Keating, Metzger, Quinn, Shelley, and Slater—9.

NOES—Senators Crittenden, DeLap, Fletcher, Gordon, Hays, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Phillips, Powers, Rich, Seawell, and Wagy—16.

### Re-reference of Senate Bill No. 14.

Senator DeLap moved that Senate Bill No. 14 be re-referred to Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

AYES—Senators DeLap, Gordon, Hays, Jespersen, Keating, Metzger, Powers, Quinn, Rich, and Wagy—10.

NOES—Senators Crittenden, Deuel, Fletcher, Foley, Garrison, Mayo, McBride, McCormack, Mixer, Myhand, Nielsen, Seawell, Shelley, and Slater—14.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to:

Senate Bill No. 14—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustment necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter;

And appointed Messrs. Houser, Cull and King, as a Committee on Free Conference to meet a like committee from the Senate.

JACK CARL GREENBURG, Chief Clerk of Assembly.

By C. W. BOOTH, Assistant Clerk.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Rules has appointed Senators Hays, Mixer and Quinn as members of a Free Conference Committee to meet a like committee from the Assembly regarding Senate Bill No. 14.

Committee membership—5; committee vote: Ayes—4; absent—1.

SEAWELL, Chairman.

### Report of Committee on Conference.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Free Conference concerning:

Senate Bill No. 14—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan



for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter; Reports that it has met a like committee of the Assembly, consisting of Assemblymen Call, Houser and King, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### **Amendment No. 1.**

In the title of the printed bill, as amended, strike out lines 2 to 21, inclusive, and insert in lieu thereof the following:

"1400 to 1426, inclusive, to the Military and Veterans Code, relating to State participation in planning for the national defense, providing an appropriation for the purposes of this chapter, to take effect immediately."

#### **Amendment No. 2.**

On page 1, line 2, of the printed bill, as amended, strike out "1470", and insert in lieu thereof the following: "1426".

#### **Amendment No. 3.**

On page 2 of the printed bill, as amended, strike out line 3, and insert in lieu thereof the following:

"Chapter 1. State Participation in National Defense.

Article 1. General Provisions.

1400. This chapter may be cited as the State Defense Act.

Article 2. Administration.

1410. The Adjutant General of this State shall administer the program of State Participation in National Defense provided for in this chapter.

1411. The Adjutant General may appoint, subject to the approval of the commander of the Ninth Corps Army Area, five assistants, as follows:

- (1) A Director of Plans and Training
- (2) A Director of Supply
- (3) A Director of Disaster Relief
- (4) A Director of Intelligence
- (5) An Inspector General

1412. The Adjutant General may employ such personnel and make such expenditures as are necessary to carry out the purposes of this chapter.

1413. All persons appointed or employed under this chapter shall by The Adjutant General be constituted members of the California National Guard subject to all regulations prescribed under the authority of the United States. Such persons shall act under the supervision and control of The Adjutant General, and are for his assistance in the performance of the duties imposed upon him by law.

Article 3. Functions.

1420. It shall be the duty of The Adjutant General to coordinate the activities of this State in planning for the national defense; to provide the necessary instructions, training schedules and technique needed to insure to the civilian population the maximum of protection under war-time conditions; to maintain civilian morale necessary in the conduct of a modern war; and to insure that civilians will provide a continuous flow of material in the face of an enemy attempting constantly to attack the source of supply.

1421. In addition to any duties assigned by The Adjutant General from time to time, the Director of Plans and Training shall prepare a coordinated plan for home security for the State. He shall also act as liaison officer between the army and the civil authorities.

1422. In addition to any duties assigned by The Adjutant General from time to time, the Director of Supply shall aid in the solution of problems arising in the operation and maintenance of industry and the relations between industry and labor.

1423. In addition to other duties assigned by The Adjutant General from time to time, the Director of Disaster Relief shall prepare plans for the evacuation of refugees, medical relief, fire prevention and other problems which might arise in threatened areas.

1424. In addition to other duties assigned by The Adjutant General from time to time, the Director of Intelligence shall prepare plans for the prevention of espionage and sabotage and for the control of enemy aliens.

1425. In addition to other duties assigned by The Adjutant General from time to time, the Inspector General shall assist in the solution of problems arising from the pursuit of civilian life under war conditions.

1426. Every department, commission, agency, board, officer and employee of the State government and of every political subdivision, county, city, city and county, public district and public corporation of or in this State shall cooperate with and assist The Adjutant General so as to enable The Adjutant General to accomplish the objectives of this chapter.

SEC. 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the purposes of Chapter I of Division VII of the Military and Veterans Code enacted by this act, to be expended under the direction of The Adjutant General.

SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An adequate program for National defense requires the utmost cooperation on the part of the State. The preparation for such a program must be made quickly if this country is to be secure. Events abroad indicate that a flagrant disregard of this country's international rights and even invasion is threatened unless a readiness to defend is apparent. In order to provide for the necessary cooperation with the Federal Government by this State it is necessary that this act take effect immediately.

#### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 5 to 51 inclusive, and strike out all of pages 3, 4 and 5.

HAYS,  
MIXTER,  
QUINN.

Senate Committee on Free Conference.

KING.

CALL.

HOUSER.

Assembly Committee on Free Conference.

#### Motion to Refer Report to Committee.

Senator Keating moved that the report of the Committee on Free Conference concerning Senate Bill No. 14 be referred to Committee on Governmental Efficiency.

#### Motion to Table.

Senator Metzger moved that the above motion be laid on the table.

The question being on the adoption of the motion.

The roll was called, and the motion lost by the following vote:

AYES—Senators Crittenden, Fleteher, Foley, Garrison, Gordon, Jespersen, Mayo, Metzger, Nielsen, and Seawell—10.

NOES—Senators DeLap, Deuel, Hays, Keating, McBride, McCormack, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Shelley, Slater, and Wagy—15.

#### Further Consideration of the Motion to Refer to Committee.

The question being on the adoption of the motion to refer to committee.

The roll was called, and the report of the Committee on Free Conference concerning Senate Bill No. 14 was referred to Committee on Governmental Efficiency by the following vote:

AYES—Senators DeLap, Deuel, Hays, Jespersen, Keating, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Shelley, Slater, and Wagy—14.

NOES—Senators Crittenden, Fletcher, Foley, Garrison, Gordon, Mayo, McBride, Metzger, Mixer, Nielsen, and Seawell—11.

### Reports of Standing Committees.

The following reports of standing committees were received and read:

#### On Rules.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Joint Resolution No. 1—Relative to memorializing Congress and the President of the United States to enact legislation for the purpose of deporting Harry Bridges;

Has had the same under consideration, and respectfully reports the same back, without recommendation for the reason that no committee action has been taken.

Committee membership—5; committee vote: Ayes—5.

SEAWELL, Chairman.

#### On Finance, Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Finance, Revenue and Taxation, to which was referred:

Senate Bill No. 10—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation for the reason that no committee action has been taken.

Committee membership—11; committee vote: Ayes—11.

TICKLE, Chairman.

#### On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 12—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, in accordance with the recommendations of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature;

Senate Bill No. 14—An act to add Division VII, consisting of Chapter I, sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter;

Has had the same under consideration, and respectfully reports the same back, without recommendation for the reason that no committee action has been taken.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 3—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 8—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, without recommendation for the reason that no committee action has been taken.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature;

Senate Bill No. 3—An act to amend Section 13105 of the Health and Safety Code, and to add Chapter 1.5 (embracing Sections 13150 to 13156, inclusive) to Part 2 of Division XII thereof, relating to duties of the State Fire Marshal in encouraging, sponsoring and cooperating in the adoption of fire protection measures, including methods for protecting against sabotage effected through arson, and to his duties in preparing and disseminating information relative to methods of protecting against sabotage effected through arson; authorizing investigations by the State Fire Marshal and his subordinates of buildings and premises where fires have occurred, of persons guilty or having knowledge thereof, and of arson and other crime committed in connection therewith;

Senate Bill No. 4—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately;

Senate Bill No. 5—An act to add Section 395.4 to, and to amend Section 395.5 of, the Military and Veterans Code, relating to the rights and privileges of State civil service officers and employees engaged in military or naval duties, and providing that this act shall take effect immediately;

Senate Bill No. 8—An act to amend Section 152 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, to take effect immediately;

Senate Bill No. 9—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately;

Senate Bill No. 11—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1411, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the appointment and work of the California State Council of Defense by members of the Legislature and for the appointment of an Advisory Committee for the assistance



of members of the Legislature; and providing an appropriation for the purposes of the chapter;

Has had the same under consideration, and respectfully reports the same back, without recommendation for the reason that no committee action has been taken.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

### Senate Resolution No. 17.

The following resolution was offered:

By Senator Hays:

*Resolved*, That the President of the Senate appoint a Committee of Three to notify the Governor that the Senate is ready to adjourn sine die the Fifty-third (Fourth Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 3 and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Hays adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Hays, McBride and Garrison.

### Senate Resolution No. 18.

The following resolution was offered:

By Senator Deuel:

*Resolved*, That the President of the Senate appoint a Committee of Three to notify the Assembly that the Senate is ready to adjourn sine die the Fifty-third (Fourth Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 3 and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Deuel adopted.

#### Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Deuel, Metzger and Slater.

### Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Free Conference concerning:

Senate Bill No. 14.

JACK CARL GREENBURG, Chief Clerk of Assembly.  
By C. W. BOOTH, Assistant Clerk.

### Report of Committee.

Senator Deuel, as chairman of the committee appointed to inform the Assembly of the readiness of Senate to adjourn sine die, in accordance with the provisions of Assembly Concurrent Resolution No. 3, reported that the committee had delivered the message to the Assembly and had been requested by the Assembly to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn sine die.

**Report of Committee.**

Senator Hays, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die, as provided in Assembly Concurrent Resolution No. 3, reported that they had performed their duty.

**Message from the Assembly.**

At two o'clock and fifty-nine minutes p.m., a committee from the Assembly, consisting of Messrs. Houser, Dilworth and Collins, appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn the Fifty-third (Fourth Extraordinary) Session sine die.

**Approval of Minutes.**

The minutes of this legislative day, Thursday, December 5, 1940, were, on motion of Senator Seawell, approved as corrected by the Minute Clerk.

**Final Adjournment.**

Whereupon, at three o'clock p.m., on motion of Senator Seawell, in accordance with the provisions of Assembly Concurrent Resolution No. 3, the President of the Senate declared the Fifty-third (Fourth Extraordinary) Session of the Senate of the State of California adjourned sine die.

JAMES BOYD GARRISON, Minute Clerk.





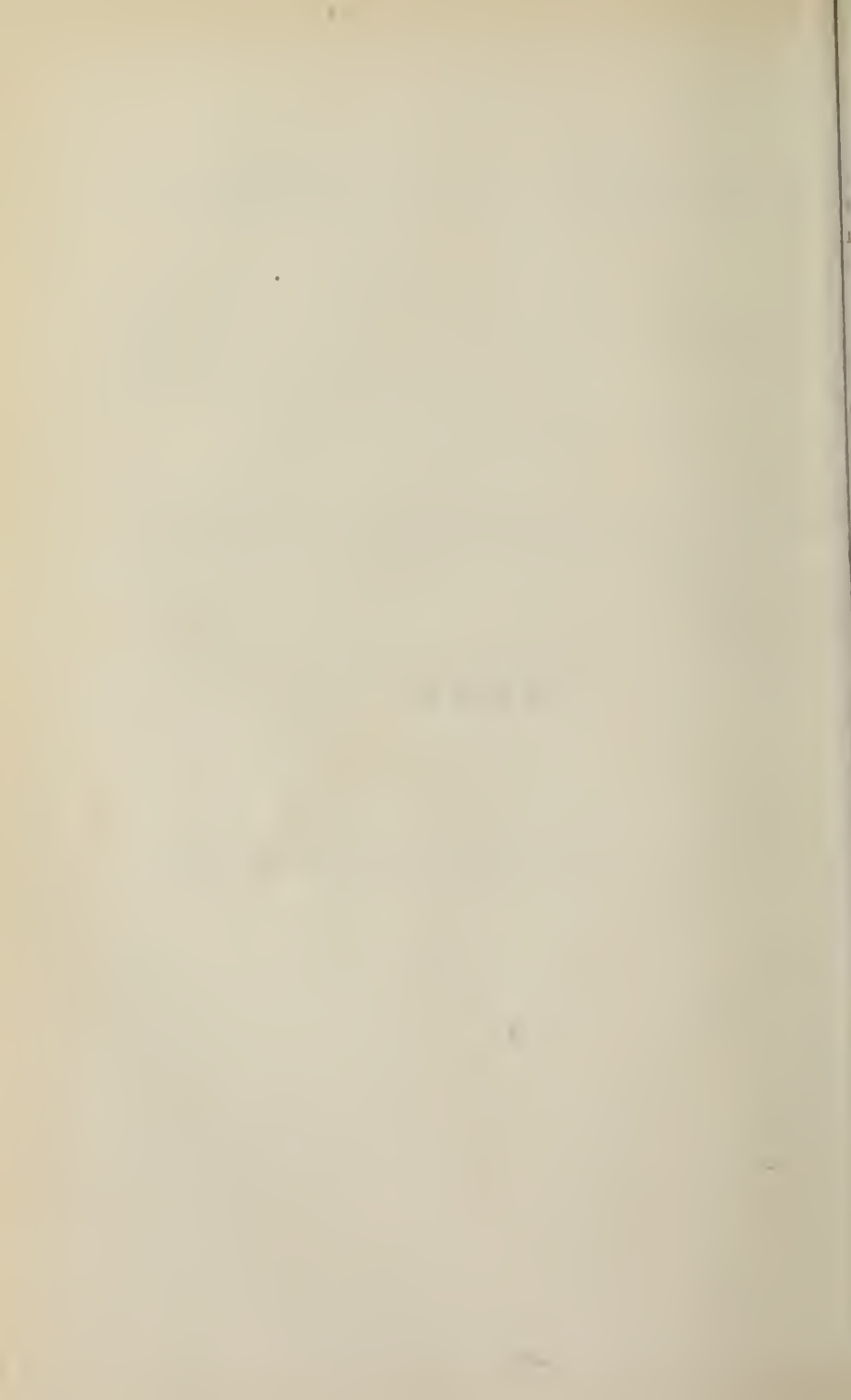
---

---

# INDEX

---

---



# INDEX TO SENATE JOURNAL

## A

## Page

ADJOURNMENT.	
Sine die .....	69
ASSEMBLY.	
Committee from—	
Notified Senate Assembly ready to recess.....	36
Messages from—	
Election of constitutional officers.....	13
Senate notified of the organization of the Assembly.....	10
Notified of the organization of the Senate.....	9, 42
Notified Senate ready to recess.....	36
Notified Senate ready to adjourn sine die.....	68

## B

BEEK, JOSEPH A.	
Elected Secretary of the Senate.....	3
Oath of office administered .....	3
BIGGAR, SENATOR GEORGE M.	
Appointed on committee—	
Notify Assembly Senate has reconvened.....	38
Mileage .....	5
BREED, SENATOR ARTHUR H. JR.	
Appointed on committee—	
Notify Assembly Senate ready to recess.....	35
Notify Governor the Senate has reconvened.....	38
Mileage .....	5
BRIGGS, GEORGE A.	
Appointed to the State Board of Prison Directors.....	8, 41
Appointment returned to Governor.....	15
BROWN, SENATOR CHARLES.	
Appointed on committee—	
Notify Governor organization of the Senate.....	4
Mileage .....	5

## C

CONOVER, MISS MARY.	
Privilege of Floor of Senate Extended.....	37
COLLIER, SENATOR RANDOLPH.	
Mileage .....	5
Resolution—	
Warrants for members and officers of the Senate.....	6

## D

DELAPE, SENATOR T. H.	
Appointed on committee—	
Notify Assembly organization of the Senate.....	5
Mileage .....	5
DEUEL, SENATOR CHARLES H.	
Appointed on committee—	
Notify Assembly Senate ready to adjourn sine die.....	68
Mileage .....	5
Resolution—	
Notify Assembly Senate ready to adjourn sine die.....	68
Re Studing Rules of the Senate.....	3
DOUGHERTY, ALICE H.	
Appointed to the State Board of Education.....	9, 41
Appointment returned to Governor.....	15

## F

FLETCHER, SENATOR ED.	
Mileage .....	5
Motion—	
Reconsider vote on Assembly Bill No. 6.....	34
FOLEY, SENATOR JOHN D.	
Appointed on committee—	
Notify Governor organization of the Senate.....	4
Mileage .....	5
Resolution—	
Notify Governor organization of the Senate.....	4

G		Page
GARRISON, JAMES BOYD.		
Elected Minute Clerk of the Senate .....	3,	38
Oath of office administered .....		3
Mileage .....		5
GARRISON, SENATOR J. C.		
Appointed on committee—		
Notify Governor Senate ready to adjourn sine die .....		68
Mileage .....		5
GOVERNOR CULBERT L. OLSON.		
Messages from—		
Appointments to the State Board of Prison Directors and State Board of Education .....	8, 9,	41
Calling Fourth Extraordinary Session .....		6
Effective dates of bills passed at special sessions .....		40
Stating the Governor's position regarding S. B. No. 14 and opinions relating thereto .....	59,	60
Notified of:		
Organization of the Senate .....	9,	42
Senate ready to recess .....		36
Senate ready to adjourn sine die .....		69
Proclamation of .....		1
GRANT, REV. A. RAYMOND.		
Elected Chaplain of the Senate .....	3,	38
Oath of office administered .....		3
H		
HAYS, SENATOR RAY W.		
Appointed on committee—		
Notify Governor Senate ready to adjourn sine die .....		68
Mileage .....		5
Resolution—		
Notify Governor Senate ready to adjourn sine die .....		68
HOLOHAN, SENATOR JAMES B.		
Granted leave of absence .....		55
Mileage .....		5
J		
JOURNALS.		
Approval of .....	34, 35, 57,	69
K		
KEATING, SENATOR THOMAS F.		
Resolution—		
Mileage for Senators and officers of the Senate .....		5
Mileage .....		5
KELPATRECK, F. C.		
Privilege of floor of Senate extended .....		37
KENNY, SENATOR ROBERT W.		
Appointed on committee—		
Notify Governor the Senate has reconvened .....		38
Resolution—		
Notify Governor reconvening of the Senate .....		38
M		
MATTOX, J. EDWIN.		
Privilege of floor of Senate extended .....		25
MAYO, SENATOR JESSE M.		
Appointed on committee—		
Notify Assembly Senate ready to recess .....		35
Notify Governor the Senate has reconvened .....		38
Mileage .....		5
Resolution—		
Re kidnaping of three-year-old Marc De Tristan .....		25
MERCHANT, CHRIS.		
Appointed to State Board of Prison Directors .....	8,	41
Appointment returned to Governor .....		15
METZGER, SENATOR D. JACK.		
Appointed on committee—		
Notify Assembly Senate ready to adjourn sine die .....		68
Mileage .....		5
Resolution—		
Re kidnaping of three-year-old Marc De Tristan .....		25

	Page
<b>MOTIONS.</b>	
Senate recess until December 2, 1940.....	36
Reconsider vote on Assembly Bill No. 6.....	34
<b>Mc</b>	
<b>McBRIDE, SENATOR JAMES J.</b>	
Appointed on committee—	
Notify Governor Senate ready to recess.....	35
Notify Governor Senate ready to adjourn sine die.....	68
Mileage.....	5
Resolution—	
Notify Assembly election of statutory officers.....	5
<b>McCORMACK, SENATOR THOMAS.</b>	
Appointed on committee—	
Notify Governor organization of the Senate.....	4
Mileage.....	5
<b>N</b>	
<b>NOLAN, JOSEPH F.</b>	
Elected Sergeant-at-Arms of the Senate.....	3
Oath of office administered.....	3
Mileage.....	5
<b>P</b>	
<b>PARKMAN, SENATOR HARRY L.</b>	
Appointed on committee—	
Notify Assembly Senate has reconvened.....	38
Resolution—	
Notify Assembly the Senate has reconvened.....	38
Mileage.....	5
<b>PHILLIPS, SENATOR JOHN.</b>	
Motion—	
Senate recess until December 2, 1940.....	36
Mileage.....	5
<b>POWERS, SENATOR HAROLD J.</b>	
Appointed on committee—	
Notify Governor Senate ready to recess.....	35
Mileage.....	5
<b>Q</b>	
<b>QUINN, SENATOR IRWIN T.</b>	
Appointed on committee—	
Notify Assembly organization of the Senate.....	5
Notify Assembly Senate ready to recess.....	35
Notify Assembly Senate has reconvened.....	38
Mileage.....	5
<b>R</b>	
<b>RESOLUTION.</b>	
Authorizing Governmental Efficiency Committee to meet during recess.....	33
Election of statutory officers of the Senate.....	3
Kidnaping of three-year-old Marc De Tristan.....	25
Mileage for Senators and officers of the Senate.....	5
Notify Assembly organization of the Senate.....	4
Notify Assembly election of statutory officers.....	5
Notify Assembly Senate ready to recess.....	35
Notify Assembly Senate has reconvened.....	38
Notify Assembly Senate ready to adjourn sine die.....	68
Notify Governor Senate ready to recess.....	35
Notify Governor organization of the Senate.....	4
Notify Governor reconvening of the Senate.....	38
Notify Governor Senate ready to adjourn sine die.....	68
Senate organize and elect officers and employees.....	3
Standing Committees same as of the First Extraordinary Session.....	4
Standing Rules of the Senate.....	3
Warrants for members and officers of the Senate.....	6
<b>RICH, SENATOR W. P.</b>	
Appointed on committee—	
Notify the Governor Senate ready to recess.....	35
Mileage.....	5
<b>RICE, MR. AND MRS. J. W.</b>	
Privilege of floor of Senate extended.....	37



## TABLE OF ACTIONS OF SENATE MEASURES IN THE SENATE

## SENATE BILLS

No.		Page
1	Introduced, to committee, 9; read second time and re-referred to committee, 16; withdrawn and re-referred to committee, 34; returned by committee without action-----	67
2	Introduced, to committee, 10; read second time and re-referred to committee, 17; from committee, 18; Constitution suspended, 20; urgency clause adopted, read third time, passed, to Assembly, 23; from Assembly, 27; Assembly amendments concurred in, 28; to Governor-----	35
3	Introduced, to committee, 11; read second time and re-referred to committee, 17; returned by committee without action-----	67
4	Introduced, to committee, 15; returned by committee without action-----	67
5	Introduced, to committee, 15; returned by committee without action-----	67
6	Introduced, to committee, 15; from committee, 18; Constitution suspended, 20; read second time, urgency clause adopted, 21; read third time, passed, to Assembly, 22; from Assembly, to enrollment, 26; to Governor-----	35
7	Introduced, to committee, 15; from committee, 18; Constitution suspended, 20; read second time, urgency clause adopted, read third time, passed, to Assembly, 22; from Assembly, 27; Assembly amendments concurred in, 28; to Governor-----	35
8	Introduced, to committee, 16; returned by committee without action-----	67
9	Introduced, to committee, 16; returned by committee without action-----	67
10	Introduced, to committee, 16; returned by committee without action-----	66
11	Introduced, to committee, 16; from committee, read second time, amended, 19; re-referred to committee, 34; returned by committee without action-----	67
12	Introduced, to committee, 32; returned by committee without action-----	66
13	Introduced, to committee, 38; from committee, Constitution suspended, 39; read second time, read third time, passed, to Assembly, 40; from Assembly, to enrollment, to Governor-----	44
14	Introduced, without reference to committee, 44; Constitution suspended, 49; read second time, amended, 50; read third time, passed, to Assembly, 56; from Assembly, 61; Assembly amendments not concurred in, Assembly refuses to recede, appoints conference committee, Senate appoints conference committee, 63; Assembly refuses to adopt conference report, report of Free Conference Committee referred to committee, returned by committee without action-----	66

## SENATE CONCURRENT RESOLUTIONS

1	Offered, 25; considered without reference to committee, read, adopted, to Assembly, 26; from Assembly, to enrollment, 27; to Governor-----	35
---	--	----

## SENATE JOINT RESOLUTIONS

1	Offered, to committee, 25; returned by committee without action-----	66
2	Offered, without reference to committee, 48; read, adopted, to Assembly, 49; from Assembly, to enrollment, 53; to Governor-----	57

## SENATE RESOLUTIONS

1	Offered, 3; adopted-----	3
2	Offered, 3; adopted-----	3
3	Offered, 3; adopted-----	3
4	Offered, 4; adopted-----	4
5	Offered, 4; adopted-----	4
6	Offered, 4; adopted-----	4
7	Offered, 5; adopted-----	5
8	Offered, 5; adopted-----	6
9	Offered, 6; adopted-----	6
10	Offered, 25; adopted-----	25
11	Offered, 33; adopted-----	34
12	Offered, 35; adopted-----	35
13	Offered, 35; adopted-----	35
14	Offered, 38; adopted-----	38
15	Offered, 38; adopted-----	38
16	Offered, 38; adopted-----	38
17	Offered, 68; adopted-----	68
18	Offered, 68; adopted-----	68





**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

# ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY  
 FIRST CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
 SACRAMENTO, Saturday, September 21, 1940.

The Assembly met at one o'clock p.m., pursuant to the provisions of the proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated September 21, 1940.

### Announcement.

Jack Carl Greenburg, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Fifty-third (Third Extraordinary) Session of the Legislature were present and in their respective positions: Jack Carl Greenburg, Chief Clerk; David V. Oliver, Minute Clerk, and Wilkie Ogg, Sergeant-at-Arms.

### Roll Call of Members.

The Chief Clerk called the roll of Assemblymen.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Garland, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—71.

Quorum present.

### House Resolution No. 1.

By Mr. Desmond:

*Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the Fifty-third (Fourth Extraordinary) Session, with the per diem as fixed by statute:*

Hon. Gordon H. Garland	----- <i>Speaker</i>
Hon. Gardiner Johnson	----- <i>Speaker Pro Tempore</i>
Jack Carl Greenburg	----- <i>Chief Clerk</i>
David V. Oliver	----- <i>Minute Clerk</i>
Wilkie Ogg	----- <i>Sergeant-at-Arms</i>
Rev. Raymond Lull Bailey	----- <i>Chaplain</i>

House Resolution No. 1 read and adopted by the following vote:

**AYES**—Allen, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Knight, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sals-

man, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—57.

NOES—None.

### **Oaths of Office Administered.**

Hon. Gordon H. Garland, Speaker-elect, Hon. Gardiner Johnson, Speaker pro tempore-elect, Jack Carl Greenburg, Chief Clerk-elect, David V. Oliver, Minute Clerk-elect, and Wilkie Ogg, Sergeant-at-Arms-elect, took and subscribed to the following oath administered by Hon. Chas. J. Hagerty, Deputy Secretary of State.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office to which I have been elected to the best of my ability.

### **Prayer.**

Upon invitation of the Speaker, prayer was offered by Rev. E. Kenneth Feaver.

### **Proclamation of the Governor Ordered Printed in the Journal.**

On motion of Mr. Lyon, the following proclamation of the Governor was ordered printed in the Journal.

#### **Proclamation.**

#### **EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.**

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, Culbert L. Olson, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Saturday, the twenty-first day of September, 1940, at one o'clock p.m., of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, to be appointed by, and to act under the direction of, the Governor, in accordance with the plans of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, with power to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests, for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing for an appropriation of money to the State Planning Board and to the California State Council of Defense in the Executive Department of the State Government for these purposes.

2. To consider and act upon legislation to authorize housing authorities created by the Housing Authorities Law to undertake the development and administration of housing projects for persons and their families engaged in National defense activities.

3. To consider and act upon legislation authorizing the maintenance on days now designated by law as days upon which the public schools shall be closed, of public school classes in vocational training authorized or provided for as part of any program of National defense.

4. To consider and act upon legislation to amend the State Civil Service Act to permit permanent civil service employees of the State a leave of absence for military service in event of war or of emergency in preparing for the National defense.

5. To consider and act upon legislation to amend the State Employees' Retirement Law to extend certain of the benefits thereof to retirement system members absent from State service by reason of service in the armed forces of the United States.

6. To consider and act upon legislation authorizing the State Fire Marshal and his subordinates to make examinations and investigations and to conduct hearings as to the causes of fires, for the purpose of ascertaining whether any such fire was caused by the commission of arson or any other crime; authorizing him to issue subpoenas and to interrogate witnesses under oath for such purposes; providing for

the submission to the proper district attorney of all information so obtained which indicates that a crime may have been committed; and authorizing the State Fire Marshal to encourage, sponsor, and cooperate in the adoption of fire prevention measures, including methods of protecting against sabotage effected through arson, and to prepare and disseminate information relating to protection against sabotage effected through arson.

7. To consider and act upon legislation to prohibit from participation in any election, including any primary election, conducted in this State, the Communist Party or any political party or organization which is sponsored or directed by any foreign government, power or political organization, or any political party or organization which carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which carries on, advocates, teaches, justifies, aids, or abets a program of sedition or treason against, the Government of the United States or of this State, or which is affiliated in any way with or adopts the name of any political party or other organization which carries on, advocates, teaches, justifies, aids, or abets such overthrow or such a program.

8. To consider and act upon legislation amending the provisions of Division IXa of the Vehicle Code, relating to the operation of, and regulation of traffic upon, bridges acquired or constructed by the California Toll Bridge Authority.

9. To consider and act upon legislation making an appropriation to be allocated by the Director of Education, with the approval of the Director of Finance, to elementary and secondary school districts for reconstruction, replacement, and repair of physical facilities and buildings damaged or destroyed by earthquakes occurring in the month of May, 1940.

10. To consider and act upon legislation relating to the conditions, restriction; and manner of expenditure of moneys appropriated by Chapter 1 of the Second Extraordinary Legislative Session of 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of September, A. D., 1940.

[SEAL]

CULBERT L. OLSON,  
Governor of California.

Attest: PAUL PEEK, Secretary of State.

### Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Members of the Senate and Assembly of the California Legislature,  
Sacramento, California.*

GREETINGS: You have been called into this special session on this date for purposes disclosed in the Proclamation therefor, a copy of which is attached heret. Briefly, these purposes are:

- (1) Creation and support of a State Council of Defense.
- (2) Enabling local housing authorities to undertake projects to house defense industry workers.
- (3) Permitting certain schools to remain open on Saturdays, Sundays and holidays to permit their more intensive use for training artisans and mechanics.
- (4) Permitting civil service leaves of absence to State employees entering the military service.
- (5) Permitting State employees in military service to maintain their State Retirement System benefits.
- (6) Permitting the creation of an Arson and Sabotage Bureau in the Division of Fire Safety.
- (7) Permitting the abolishment of the Communist Party.
- (8) Permitting the removal of certain restrictions upon the use and operation of the recently acquired Carquinez Bridge.
- (9) Appropriating funds for the reconstruction of school buildings destroyed by earthquake.

In early August, the Council of National Defense of the Government of the United States addressed a memorandum to the Governors of the forty-eight States, requesting the creation of State Councils of Defense "to provide means for full utilization of the powers and administrative organizations of Federal, State and local governments and for adjusting and coordinating programs and procedures in order that closely integrated administrative machinery may function with the maximum speed and effectiveness," and to utilize the knowledge, skill and organizational facilities of private agencies in assisting the existing public administrative agencies in a coordinating National Defense Program.

It was recommended that these councils be advisory to the Governors of the forty-eight States, who as Commanders in Chief of the armed forces and Chief Executives of the civil establishments were considered to be the only State officials



in a position to secure executive action throughout the entire administrative structures. The functions of such State Councils of Defense as outlined by the memorandum from the Federal Government are "to advise the Governor on problems arising with respect to the (1) integration of governmental programs for defense; (2) adjustments or arrangements necessary for prompt assimilation of such programs by the administrative establishment; (3) proper coordination between the activities of government and private agencies cooperating in the defense effort."

Upon receipt of this memorandum I requested the organizing committee of an Advisory Council which I had appointed in June to recommend a proper defense organization for California, in accordance with a detailed plan suggested by the Federal Government in its memorandum, and to also recommend on a purely non-partisan basis chairmen and vice chairmen for each of the six functional committees suggested by the memorandum, so that the organized membership of all of the important elements participating in a defense program would be represented. All of the prominent citizens recommended by this committee have accepted appointment and with the representative of the California League of Cities, the Chairman of the State Planning Board and myself constitute the working Executive Committee of the present California State Council of Defense. These gentlemen are:

#### **Industrial Resources and Production Advisory Committee.**

James Mussatti, General Manager, State Chamber of Commerce.

#### **Human Resources and Skills Advisory Committee.**

Gordon S. Watkins, Dean, University of California at Los Angeles.

C. J. Haggerty, President, State Federation of Labor.

Harry See, State Representative, Railroad Brotherhoods.

#### **Housing, Works and Facilities Advisory Committee.**

Baldwin M. Woods, Regional Director, National Resources Planning Board.

John Riffe, State Director, Steel Workers Organization Committee.

E. F. Scattergood, Los Angeles Department of Water and Power.

#### **Health, Welfare and Consumer Interest Advisory Committee.**

Archibald Young, President, California Council of Social Work.

Richard Neustadt, Regional Director, Social Security Administration.

#### **Civil Protection Committee.**

Earl Warren, Attorney General.

R. E. Mittelstaedt, Adjutant General.

#### **Agricultural Resources and Production Advisory Committee.**

C. M. Brown, Jr., Agriculturist.

Jesse W. Tapp, Vice President, Bank of America.

Samuel C. May, of the State Planning Board.

Richard Graves, Executive Secretary, League of California Cities.

This Executive Committee caused to be prepared and the members present at a meeting on September 13th unanimously approved and requested me to present to you a bill which would give legislative sanction to the existing organizations and provide necessary funds to perform the tasks already requested by the Army, Navy and other Federal agencies, including the National Council of Defense.

Because of the constitutional prohibition in California against participation in executive or administrative work by legislators, it was necessary to provide specifically that representation of both houses be secured through a joint committee empowered to serve on the council to the extent not incompatible with their status as legislators.

A separate appropriation measure granting \$50,000 to the State Planning Board and the Council of Defense has also been proposed in order to secure means for implementing defense activities within the State, pending the effective date of the proposed legislation creating the State Council of Defense.

I feel confident that the members of this Legislature will give the most earnest consideration to the establishing and financing of efficient machinery necessary for cooperating with the Federal Defense Program, as suggested by the National Defense Council and recommended by the representative citizens who constitute the Executive Committees of the existing State Council of Defense.

The proposal to enable housing authorities to undertake low-cost housing projects in locations convenient for their use by workers engaged in war industry, bears the hearty approval of many citizens. It is pointed out that the need for such housing projects is secondary only to that of the industries themselves.

Present law prohibits the Saturday and Sunday use of the many high schools throughout the State having machine shops and other equipment for the training of sheet metal workers, pattern workers, molders, machinists, and other artisans and mechanics of whom there now develops such an acute shortage in the war industry. The present emergency suggests the removal of this restriction in order that a more intensive use might be made of these training facilities.

The two proposals affecting State employees in the military service are requested by Adjutant General R. E. Mittelstaedt. They surely need no justification. Their merit is patent.

The proposal regarding anti-American or treasonable political parties is self-explanatory.

The request for an Arson and Sabotage Bureau in the Division of Fire Safety is supported in and throughout every quarter of California's industry; especially those whose products make them the target of the enemies of our Government and our Government's defense efforts. No additional funds are requested in this connection.

The Toll Bridge Authority Amendments are correctives found desirable since the purchase of the Carquinez and Antioch bridges. Present law prohibits the use of a Toll Bridge Authority bridge by pedestrians, and also requires the Toll Bridge Authority to maintain 24-hour tow car service on its bridges. Both of these provisions are quite proper in their application to the San Francisco-Oakland Bay Bridge because of its location, its long approaches, and its great length. But the Carquinez Bridge is much used by pedestrians, most of whom live and work in the vicinity of the bridge. Since there appears to be no sound reason for prohibiting such pedestrian use of the Carquinez Bridge, the amendment here contemplated has been suggested.

Since the Carquinez Bridge is relatively short (1,182 feet including its approaches), and since privately conducted tow car services are maintained and available nearby, and since the need for such service seems very little, it is thought that the cost to the State of maintaining such a service would be an unnecessary and unwarranted expense; all of which suggests the amendments here contemplated.

The proposal to appropriate for the reconstruction of earthquake damage to schools is included in the request of Dr. Walter F. Dexter, Superintendent of Public Instruction and Director of Education, who urges it as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON,  
Governor of California.

### **Motion to Have Governor's Message Printed.**

On motion of Mr. Maloney, the Speaker ordered 300 copies of the above message from the Governor printed as separate documents.

### **Leave of Absence for the Fourth Extraordinary Session.**

On motion of Mr. Field, Mr. Redwine was granted a leave of absence for the Fifty-third (Fourth Extraordinary) Session.

### **Leaves of Absence for the Day.**

The following members were granted leaves of absence for the day:

Mr. Kellems, on motion of Mr. Lyon.

Mr. Kuchel, on motion of Mr. Call.

Mr. Gilbert, on motion of Mr. Hawkins.

Mr. Thorp, on motion of Mr. Clarke.

Mr. Dilworth, on motion of Mr. Clarke.

### **Recess.**

At one o'clock and thirty minutes p.m., on motion of Mr. Lyon, the Assembly recessed for five minutes to hear from Hon. Leland M. Ford, member of Congress from the Sixteenth Congressional District of California.

### **Reassembled.**

At one o'clock and thirty-five minutes p.m., the Assembly reconvened. Speaker Garland in the chair.

**Message from the Governor.**

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, September 21, 1940.

*To the Members of the Senate and Assembly of the California Legislature,  
Sacramento, California.*

GREETINGS: Item No. 10 was included in the call on this date for the Fourth Extraordinary Session of the California State Legislature for the following reasons:

At the Second Extraordinary Session of the Legislature held in May, 1940, the Legislature passed an emergency appropriation of \$500,000 to assist in the repair of flood damages. It was designed to assist communities in recovering from the disastrous floods of the winter of 1940. I considered this a meritorious purpose and signed this bill and it became Chapter 1 of the Statutes of 1940, Second Session.

It later developed that Chapter 1 contained provisions which made it extremely difficult of operation and, to many deserving communities, of no assistance whatever. Legal opinions interpreting this law have been obtained from the Attorney General, but the legal obstacles have been so great that it has not been possible to allot any of the funds appropriated by Chapter 1.

The purpose of including this item in the call of the Fourth Extraordinary Session is to allow the amendment of Chapter 1 to permit its operation as contemplated when it was enacted.

Respectfully submitted.

CULBERT L. OLSON,  
Governor of California.

**House Resolution No. 2.**

By Mr. Bennett:

*Resolved by the Assembly of the State of California,* That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session, pursuant to the Proclamation of His Excellency, the Governor, dated the twenty-first day of September, 1940, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. Gordon H. Garland	-----	Speaker
Hon. Gardiner Johnson	-----	Speaker Pro Tempore
Jack Carl Greenburg	-----	Chief Clerk
David V. Oliver	-----	Minute Clerk
Wilkie Ogg	-----	Sergeant-at-Arms
Rev. Raymond Lull Bailey	-----	Chaplain

House Resolution No. 2 read, and adopted.

**Appointment of Special Committee.**

In accordance with House Resolution No. 2, the Speaker appointed Messrs. Bennett, Wollenberg and Maloney as such Special Committee.

**House Resolution No. 3.**

By Mr. Green:

*Resolved by the Assembly of the State of California,* That a Special Committee of Five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.

House Resolution No. 3 read, and adopted.

**Appointment of Special Committee.**

In accordance with House Resolution No. 3, the Speaker announced the appointment of Messrs. Green, Gallagher, Thurman, Waters and Hawkins as such Special Committee.

**House Resolution No. 4.**

By Mr. Lyon:

*Resolved by the Assembly of the State of California,* That until further notice the following Standing Rules of the Assembly be, and the same are hereby adopted as the Rules of this extraordinary session.

**Standing Rules of the Assembly.****Hours of Meeting.**

1. The session of the Assembly shall be daily, beginning at ten o'clock a.m. (Sundays excepted) unless otherwise ordered by a majority vote of the members present.

*Speaker to Call Assembly to Order.*

2. The Speaker, or in his absence, the Speaker pro tempore, shall take the Speaker's chair precisely at the hour appointed for meeting, and shall immediately call the Assembly to order. In the absence of both the Speaker and the Speaker pro tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

*Roll Call and Quorum.*

3. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered on the Journal. A majority of all the members elected to the Assembly shall constitute a quorum for the transaction of business.

*Order of Business.*

4. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Reports of Committees
6. Messages from the Governor
7. Messages from the Senate
8. Introduction and Reference of Bills
9. Business on the Daily Calendar
10. Motions and Resolutions
11. Announcements
12. Adjournment.

*Reading of the Previous Day's Journal.*

5. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

*Approval of the Journal.*

6. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

*Motion to Correct Journal.*

7. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

*Presentation of Petitions.*

8. Whenever petitions, memorials or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.



*Reports of Committees.*

9. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant. They shall be read and ordered printed on the Journal unless it is ordered otherwise by the Speaker or by a majority vote of the members present.

*Messages from the Governor.*

10. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

*Messages from the Senate.*

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate, shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the Unfinished Business Calendar.

*Bills Defined.*

12. Wherever the word bill is used, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided for in these Rules.

*Introduction and Reference of Bills.*

13. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk. When received at the Clerk's desk, it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

Bills and constitutional amendments shall not be read the first time or printed until after the Legislative Counsel has reported thereon as provided by Rule 14.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

*Introduction of Bills.*

14. When a bill or constitutional amendment has been introduced and numbered, and before it is read the first time, it shall be delivered by the Clerk to the Legislative Counsel for examination and report as to whether it appears to be within the scope of the proclamation of the Governor calling the extraordinary session. The Legislative Counsel shall report as to each such measure as promptly as may be, and prior

to the end of the next legislative day, returning the measure with the report to the Clerk and transmitting a copy of the report to the author of the measure.

The report shall state briefly and without detail whether the measure appears to be within or without the scope of the Proclamation, or whether the matter is doubtful.

The report of the Legislative Counsel shall not be binding upon the Assembly nor preclude further consideration of any measure, nor shall it prevent an objection being subsequently made that such measure, or any amendment made or offered thereto, is not within the scope of the Proclamation.

#### *Examining of Bills by Legislative Counsel Bureau.*

15. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly rule. He shall have authority to correct any clerical error such as orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, and in any other particular wherein the bill does not comply in form with law or Assembly rule. He shall have authority to correct any error in the title of an amendatory bill wherein it does not enumerate the sections added or amended of a particular act or code.

If in the opinion of the Legislative Counsel, any correction made by him under the authority of this Rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this Rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this Rule for any period longer than two legislative days.

#### *Daily Calendar.*

16. There shall be printed an Assembly Daily Calendar for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily Calendar of the Assembly. The following listing shall constitute the order of the Daily Calendar:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills.

All bills on the Daily Calendar shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

#### *Motions and Resolutions.*

17. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly rule, any motion



or resolution may be adopted by a majority vote of the members present.

*Adjournment.*

18. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

**Duties of Assembly Officers.**

*Duties of the Speaker.*

19. The Speaker shall possess the powers and perform the duties herein prescribed:

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees.

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole.

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants and subpoenas issued by order of the Assembly.

*Duties of the Speaker Pro Tempore.*

20. The Speaker pro tempore shall have the powers and perform the duties of the Speaker during his absence.

*Duties of the Chief Clerk.*

21. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matter as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache or employee for incompetency or dereliction of duty, pending action by the Committee on Attaches.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

#### *Duties of the Sergeant-at-Arms.*

22. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Attaches.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

#### **Members' Decorum and Privileges.**

##### *Order in Speaking to Questions.*

23. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding except that the author of a bill or resolution, or the mover of a question shall have the right to close the debate thereon. No member shall be allowed to speak more than ten minutes to open and five minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than five minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

##### *Speaker to Decide Who Is Entitled to Floor.*

24. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

##### *Members Called to Order for Transgressing Rules.*

25. If any member in speaking or otherwise transgresses the Rules of the Assembly, the Speaker shall, or any member may call the offending member to order. The member so called to order shall immediately take his seat, unless permitted to explain; if called to order by a

member, such member shall immediately state the point of order. The point of order shall be decided by the Speaker without debate. If the decision of the Speaker be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall be required to keep his seat. Every such decision by the Speaker shall be subject to an appeal to the Assembly.

*Members Called to Order for Offensive Words.*

26. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

*Members Voting.*

27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this Rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this Rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

*Ayes and Noes.*

28. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or *viva voce* when demanded by three members or when ordered by the Speaker, and on any other

question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

*Voting Not to Be Interrupted.*

29. When once begun, voting shall not be interrupted, except that any member may have the total pending vote flashed on the visible vote recorder and except that any member may move a call of the Assembly, after the completion of the roll and prior to the final recording and announcement of the vote.

*Changing Vote.*

30. Prior to the announcement of the vote, the Speaker shall inquire if all members have voted. After the vote is announced, no member shall be allowed to change his vote, or have his vote recorded.

*Members at Clerk's Desk.*

31. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

*Tie Vote.*

32. In case of an equal division, or tie vote, the question shall be lost.

*Call of the Assembly.*

33. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

*Leave of Absence.*

34. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

*Personal Privilege.*

35. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss



a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjourn.

*Objection to Reading of Any Paper.*

36. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

*Assignment of Desks to Members.*

37. Members shall be assigned to desks by the Superintendent of Capitol Buildings and Grounds, and, so far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

**Motions and Questions.**

*Precedence of Motions During Debate.*

38. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

*First*—To adjourn;

*Second*—To recess to a time certain;

*Third*—To lay on the table;

*Fourth*—For the previous question;

*Fifth*—To set as a special order;

*Sixth*—To postpone indefinitely;

*Seventh*—To refer or re-refer;

*Eighth*—To amend.

*Questions of Order Decided Without Debate.*

39. All incidental questions of order, arising after a motion is made for any of the questions named in Rule No. 38 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

*Appeal from Decision of the Speaker.*

40. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal can not be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal can not be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

*To Adjourn.*

41. A motion to adjourn is not debatable and can not be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken, shall be entered on the Journal. Such a motion to adjourn must be adopted by a majority vote of the members present.

When such a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. Such statement shall not occupy more than two minutes and shall not be debatable.

*To Recess to a Time Certain.*

42. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

*To Lay on the Table.*

43. A motion to lay on the table is not debatable and can not be amended. If carried by a majority vote of the entire elected membership, it carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or House resolution.

*The Previous Question.*

44. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the house to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

*Motion to Set Special Order.*

45. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

*Motion to Postpone to a Time Certain.*

46. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

*Motion to Postpone Indefinitely.*

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.



*Motion to Amend.*

48. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this Rule, a motion to amend is in order during the second or third reading of any bill.

*Amendment to Be Germane.*

49. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

*Substitute Motion.*

50. A motion to substitute shall be deemed and treated as a motion to amend.

*Motions in Writing.*

51. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

*Consideration of Motions.*

52. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

*Division of Questions.*

53. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Assembly.

*Resolutions.*

54. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

*Withdrawal of Motions.*

55. After a motion is stated by the Speaker, or a bill, resolution or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

*Motion to Be Germane.*

56. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

*Bills Reported Back to Assembly.*

57. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this Rule.

*Motion to Withdraw and Recall Bills.*

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference.

No bill or resolution shall be withdrawn from committee and placed upon the Calendar except upon one day's notice thereof and except by a recorded vote of a majority of the elected members.

*Bills Stricken from Calendar.*

59. A motion to strike from the Calendar any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

*Motion to Rescind Action and Expunge Record.*

60. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

*Reference of Bills to Committee.*

61. Immediately following its first reading the Speaker shall refer each bill to a committee, unless upon a motion, the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

*Record of Bills.*

62. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be indorsed upon such bill.

*Consideration of Constitutional Amendments, Concurrent and Joint Resolutions.*

63. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated

the same as bills, except that they shall be read but once. The yeas and nays shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

### *Second Reading of Bills.*

64. All bills shall be read the second time in the order of their appearance upon the Second Reading Calendar. Upon second reading Assembly bills reported without amendments shall be ordered engrossed and Senate bills reported without amendments shall be ordered to third reading.

### *Committee Amendments.*

65. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

### *Amendments from the Floor.*

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading Calendar, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1000 copies of all amended bills.

### *Committee on Engrossment and Enrollment.*

67. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, ordered or considered engrossed by the Assembly with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Engrossment and Enrollment shall be in order at any time.

### *Engrossing and Enrolling Bills.*

68. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the Assembly.

### *Bills Transmitted to the Senate.*

69. Upon the final passage of any bill, if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

*Bills Considered During Last Seven Days.*

70. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

*Concurrence in Senate Amendments.*

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

*Nonconcurrence in Senate Amendments.*

72. If the Assembly refuse to concur in the Senate amendments to any Assembly bill, the Chief Clerk shall notify the Senate of such refusal and request the Senate to recede from its amendments. If the Senate so recede and notify the Assembly, the bill shall be forthwith ordered enrolled.

*Committee on Free Conference.*

73. Should the Senate refuse to recede from its amendments and so notify the Assembly, the Speaker shall thereupon appoint three members as a Committee on Free Conference. If there be a minority vote on concurrence, two of such members shall be selected from those voting against concurrence and the third member shall be selected from those voting for concurrence. The Chairman of the Senate Committee on Free Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Free Conference to agree upon a report and the report shall be submitted to both the Senate and Assembly. Such report is not subject to amendment and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill. The presentation and consideration of any report of a Committee on Free Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any free conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any free conference report affecting any Assembly bill which contains



an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such free conference report by the Assembly shall be deemed the vote upon final passage of such bill.

#### *Enrollment.*

74. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Section 539 of the Political Code. The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered on the Journal.

### **Committees.**

#### *Standing Committees.*

75. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Attaches, to consist of 7 members.
3. A Committee on Aviation and Aircraft, to consist of 11 members.
4. A Committee on Banking, to consist of 9 members.
5. A Committee on Building and Construction, to consist of 7 members.
6. A Committee on Building and Loan Associations, to consist of 7 members.
7. A Committee on Civil Service, to consist of 9 members.
8. A Committee on Commerce and Navigation, to consist of 9 members.
9. A Committee on Conservation, to consist of 9 members.
10. A Committee on Constitutional Amendments, to consist of 13 members.
11. A Committee on Contested Elections, to consist of 5 members.
12. A Committee on Contingent Expenses, to consist of 5 members.
13. A Committee on Corporations, to consist of 9 members.
14. A Committee on County Government, to consist of 15 members.
15. A Committee on Crime Problems, to consist of 7 members.
16. A Committee on Direct Legislation, to consist of 7 members.
17. A Committee on Education, to consist of 13 members.
18. A Committee on Elections, to consist of 11 members.
19. A Committee on Engrossment and Enrollment, to consist of 5 members.
20. A Committee on Exhibitions and Fairs, to consist of 7 members.
21. A Committee on Federal Relations, to consist of 7 members.
22. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
23. A Committee on Fish and Game, to consist of 15 members.
24. A Committee on Governmental Efficiency and Economy, to consist of 11 members.

25. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
26. A Committee on Hospitals and Asylums, to consist of 11 members.
27. A Committee on Insurance, to consist of 11 members.
28. A Committee on Introduction of Bills, to consist of 5 members.
29. A Committee on Irrigation, to consist of 17 members.
30. A Committee on Judiciary Codes, to consist of 17 members.
31. A Committee on Judiciary General, to consist of 15 members.
32. A Committee on Labor and Capital, to consist of 13 members.
33. A Committee on Libraries, to consist of 5 members.
34. A Committee on Live Stock and Dairies, to consist of 9 members.
35. A Committee on Manufactures, to consist of 7 members.
36. A Committee on Medical and Dental Laws, to consist of 9 members.
37. A Committee on Mileage, to consist of 5 members.
38. A Committee on Military Affairs, to consist of 9 members.
39. A Committee on Mines and Mining, to consist of 9 members.
40. A Committee on Motor Vehicles, to consist of 15 members.
41. A Committee on Municipal Corporations, to consist of 13 members.
42. A Committee on Oil Industries, to consist of 9 members.
43. A Committee on Prisons and Reformatories, to consist of 11 members.
44. A Committee on Public Charities and Corrections, to consist of 9 members.
45. A Committee on Public Health and Quarantine, to consist of 9 members.
46. A Committee on Public Morals, to consist of 11 members.
47. A Committee on Public Utilities, to consist of 11 members.
48. A Committee on Revenue and Taxation, to consist of 15 members.
49. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members.
50. A Committee on Roads and Highways, to consist of 15 members.
51. A Committee on Rules, to consist of 7 members, including the Speaker.
52. A Committee on Social Service and Welfare, to consist of 15 members.
53. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
54. A Committee on State Grounds and Parks, to consist of 7 members.
55. A Committee on State Colleges, to consist of 7 members.
56. A Committee on Unemployment, to consist of 7 members.
57. A Committee on Universities, to consist of 7 members.
58. A Committee on Ways and Means, to consist of 21 members.



*Committee Quorum.*

76. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

*Meetings of Standing Committees.*

77. All standing committees shall meet at the hour provided by schedule, unless otherwise ordered by the Assembly. Committees may hold such additional meetings as the chairman of the committee may deem necessary; provided, that no committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee by a majority vote of its entire membership shall order an executive session.

*Standing Committee Rules.*

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

*Signing Bills Out of Committee.*

79. No bills shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

*Committee Expenditures.*

80. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

*Committee on Attaches.*

81. The Committee on Attaches shall recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

*Committee on Ways and Means.*

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly, and other than bills affecting existing departments of State Government which do not increase or decrease the salaries or expenses of such departments.

Whenever requested by the Assembly, the Chairman of the Committee on Ways and Means shall report the exact condition of legislation involving appropriations and the aggregate amount of all proposed appropriations pending before the committee. The committee may also

report whenever necessary, their opinion as to the condition of the State revenues and expenditures.

### *Committee of the Whole.*

83. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole. The Rules of the Assembly shall be observed in the Committee of the Whole so far as they may be applicable, except that the ayes and noes need not be taken.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered on the Journal except upon motion and a majority vote of the members present.

### *Reconsideration of Vote.*

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the Unfinished Business Calendar, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly. The notice of motion to reconsider may be called up by any member on the next legislative day after the notice of reconsideration of the bill, constitutional amendment, concurrent or joint resolution has been given.

Any member voting on any motion, amendment, concurrence, recedence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected Assembly membership, except that constitutional amendments to be so reconsidered shall require an affirmative recorded vote of two-thirds of the entire Assembly elected membership.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

### Printing.

#### *Authority for Printing.*

85. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

#### *Printing Style, Form and Amount to Be Printed.*

86. Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, and the number of copies to be printed of each order, shall be decided by the Chief Clerk and approved by the Speaker or Chairman of Committee on Rules. All requests by members for additional copies of bills, documents or other printed matter shall be referred to the Committee on Rules.

#### *Printing Assembly History.*

87. The Chief Clerk shall cause to be compiled and printed during the constitutional recess, a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint and House resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

#### *Printing of Maps.*

88. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

### Rules.

#### *Adoption of Standing Rules.*

89. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

*Parliamentary Rules.*

90. Roberts Rules of Order shall be the recognized authority on all occasions when the Assembly rules are not applicable.

*Suspension of Rules.*

91. Unless otherwise specifically provided by law or Assembly rule, any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

*Amending Standing Rules.*

92. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly and one day's notice must be given on the motion thereof.

*Temporary Rule.*

93. The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

**Miscellaneous.***Press Privileges.*

94. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks; also the necessary rooms for the exclusive use of such accredited press representatives.

*Privilege of Addressing the Assembly.*

95. No person other than a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

*Smoking in Assembly Chamber.*

96. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

*Fees for Witnesses.*

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars for each day such witness shall be required to appear, and the sum of three and one-half cents for each mile he shall travel in coming to and going from the place of examination.



*Use of Assembly Chamber.*

98. The Assembly Chamber shall not be used for any public or private business other than legislative matters, during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

*Persons Admitted to Floor of the Assembly.*

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

*Lobbying in the Assembly Chamber.*

100. All persons appearing, or being, or desiring to appear, or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Assembly, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This Rule shall not apply to members of either house of the Legislature, to elected State officers, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Assembly Chamber, or any committee room of the Assembly, for the purpose of advocating the adoption or defeat of any bill, measure or resolution, without first having registered and secured the certificate, as herein provided.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session; and any person transgressing this Rule shall be removed from the floor of the

Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this Rule. This Rule can not be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

*Speaker Explains Order of Business.*

101. The Speaker may, on his own motion or upon the motion of any member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

*Admission to Assembly Chamber.*

102. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the Lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 4, at this time, without reference to committee.

House Resolution No. 4 read, and adopted by the following vote:

**AYES**—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Turner, Voigt, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—61.

**NOES**—None.

**Motion for Temporary Suspension of Rule No. 102.**

Mr. Bashore moved that Rule No. 102 be temporarily suspended for the purpose of allowing Assemblymen-elect to be permitted on the floor of the Assembly at this time.

Motion for temporary suspension of Rule No. 102 carried.

**Appointment of Standing Committees.**

The Speaker announced the appointment of the following standing committees of the Assembly, Fifty-third (Fourth Extraordinary) Session:

**Agriculture**—Corwin (Chairman), Burns, Hugh M., Clarke, Daley, Desmond, Dilworth, Donnelly, Heisinger, Knight, Leonard, Lore, Millington, Robertson, Scudder, Thorp, Walker and Watson.

**Attaches**—Voigt (Chairman), Allen, Desmond, Fulcher, Lyon, Stream and Watson.

**Aviation and Aircraft**—Green (Chairman), Corwin, Cronin, Field, Kellems, King, Poulson, Redwine, Tenney and Williamson.

**Banking**—Williamson (Chairman), Bennett, Crowley, Gallagher, Green, Lyon, Meehan, Millington and Redwine.

**Building and Construction**—Heisinger (Chairman), Atkinson, Lore, Meehan, Salsman and Weber.

**Building and Loan**—Poulson (Chairman), Bennett, Crowley, Doyle, Houser, Pelletier and Tenney.

**Civil Service**—Sheridan (Chairman), Crowley, Donnelly, Evans, Gallagher, Gannon, Houser, Leonard and O'Donnell.

**Commerce and Navigation**—Maloney (Chairman), Atkinson, Gallagher, Gilmore, King, Leonard, Miller, George P., Sheridan and Weber.

**Conservation**—Knight (Chairman), Bashore, Dilworth, Kilpatrick, Redwine, Thurman, Walker, Weber and Weybret.

**Constitutional Amendments**—Call (Chairman), Bennett, Fulcher, Gannon, Hawkins, King, Lyon, Maloney, Pelletier, Scudder, Tenney, Williamson and Wollenberg.



**Contested Elections**—Massion (Chairman), Burson, Gilbert, Burns, Michael J., and Weybret.

**Contingent Expenses**—Hawkins (Chairman), Fulcher, Gilbert, Leonard and Burns, Michael J.

**Corporations**—Carlson (Chairman), Burns, Michael J., Cassidy, Collins, Doyle, Hawkins, Heisinger, Salsman and Thurman.

**County Government**—Bashore (Chairman), Andreas, Carlson, Clarke, Collins, Cronin, Crowley, Desmond, Gilmore, Kilpatrick, Kuehel, Meehan, O'Day and Sawallisch.

**Crime Problems**—Richie (Chairman), Atkinson, Doyle, Gilmore, Kellems, Miller, Eleanor; and Wollenberg.

**Direct Legislation**—Redwine (Chairman), Collins, Crowley, Del Mutolo, Phillips, Waters and Wollenberg.

**Education**—Leonard (Chairman), Del Mutolo, Dills, Evans, Gilbert, Green, Johnson, Miller, Eleanor; Richie, Robertson, Sawallisch, Weber and Williamson.

**Elections**—Del Mutolo (Chairman), Cassidy, Collins, Evans, Gilmore, Maloney, O'Day, Sheridan, Voigt and Waters.

**Engrossment and Enrollment**—Cassidy (Chairman), Burns, Michael J., Heisinger, Johnson and Kuehel.

**Exhibitions and Fairs**—Dilworth (Chairman), Doyle, Leonard, Miller, George P., Thorp and Walker.

**Federal Relations**—Andreas (Chairman), Carlson, Cassidy, Evans and Phillips.

**Financial Institutions**—Lyon (Chairman), Dills, Johnson, King, Turner, Williamson and Yorty.

**Fish and Game**—Watson (Chairman), Allen, Call, Carlson, Fulcher, Gallagher, King, Kuehel, Miller, George P., Redwine, Robertson, Salsman, Seudder, Thurman and Voigt.

**Governmental Efficiency and Economy**—Field (Chairman), Allen, Cronin, Gilbert, Kepple, Lore, Miller, Eleanor; O'Donnell, Poulson, Stream and Turner.

**Governmental Revenues and Expenditures**—Salsman (Chairman), Green, Kepple, Pelletier and Wollenberg.

**Hospitals and Asylums**—Burson (Chairman), Andreas, Cassidy, Corwin, Daley, Knight, Maloney, Miller, Eleanor; O'Day, Seudder and Voigt.

**Insurance**—Seudder (Chairman), Cronin, Desmond, Gallagher, Hawkins, Maloney, Meehan, Miller, George P., Robertson, Salsman and Sawallisch.

**Irrigation**—Walker (Chairman), Burus, Hugh M., Clarke, Corwin, Desmond, Donnelly, Heisinger, Kilpatrick, Lore, Massion, O'Donnell, Pelletier, Stream, Thorp, Weber, Weybret and Del Mutolo.

**Judiciary Codes**—Gannon (Chairman), Call, Carlson, Crowley, Del Mutolo, Desmond, Green, Kepple, Kuehel, Millington, O'Donnell, Redwine, Robertson, Sawallisch, Sheridan, Williamson and Wollenberg.

**Judiciary General**—Phillips (Chairman), Bennett, Collins, Cronin, Dills, Houser, Johnson, Lyon, O'Day, Richie, Salsman, Waters and Yorty.

**Labor and Capital**—Yorty (Chairman), Gilbert, Kilpatrick, Maloney, Hawkins, Evans, Pelletier, Phillips, Richie, Tenney and Williamson.

**Live Stock and Dairies**—Weybret (Chairman), Clarke, Cassidy, Desmond, Dills, Donnelly, Heisinger, Sawallisch and Thorp.

**Medical and Dental Laws**—Cronin (Chairman), Burns, Hugh M., Corwin, Gilmore, Kellems, Knight, Massion and Richie.

**Libraries**—Clarke (Chairman), Dills, Kuehel, Miller, Eleanor; and Poulson.

**Manufactures**—Thorp (Chairman), Carlson, Collius, Crowley, Maloney, Massion and Wollenberg.

**Mileage**—Waters (Chairman), Bashore, Gilbert, Meehan and Tenney.

**Military Affairs**—Miller, George P. (Chairman), Andreas, Call, Cronin, Dilworth, Gannon, Kellems, Tenney and Voigt.

**Mines and Mining**—Thurman (Chairman), Clarke, Corwin, Dilworth, Doyle, Fulcher, Johnson, Redwine and Turner.

**Motor Vehicles**—Fulcher (Chairman), Burson, Call, Clarke, Daley, Doyle, Field, Gallagher, Heisinger, Lore, Lyon, Pelletier, Phillips, Sawallisch and Waters.

**Municipal Corporations**—Kuehel (Chairman), Allen, Bennett, Daley, Green, Johnson, Massion, Phillips, Salsman, Sheridan, Waters and Yorty.

**Oil Industries**—Houser (Chairman), Burson, Daley, Dills, Field, Kuehel, Millington, O'Donnell and Turner.

**Prisons and Reformatories**—Wollenberg (Chairman), Andreas, Atkinson, Burson, Cassidy, Evans, Gannon, Kilpatrick, Maloney, Miller, Eleanor; and Phillips.

**Public Charities and Corrections**—Bennett (Chairman), Atkinson, Burson, Carlson, Kilpatrick, Seudder, Stream and Thurman.

**Public Health and Quarantine**—Burns, Hugh M. (Chairman), Field, Gilmore, King, Massion, Poulson, Tenney, Waters and Watson.

**Public Morals**—Miller, Eleanor (Chairman), Atkinson, Dilworth, Gannon, Gilbert, Houser, Knight, Meehan, Thorp, Williamson and Watson.

**Public Utilities**—Allen (Chairman), Bashore, Burson, Call, Gannon, Hawkins, Knight, Millington, Phillips, Watson and Yorty.

**Revenue and Taxation**—Turner (Chairman), Allen, Call, Carlson, Daley, Dilworth, Field, Fuleher, Kellems, Lyon, Sawallisch, Seudder, Voigt, Wollenberg and Yorty.

**River Navigation, Reclamation and Flood Control**—Weber (Chairman), Atkinson, Bashore, Burns, Hugh M., Clarke, Collins, Dilworth, Kepple, Kuchel, Leonard, Redwine, Thorp and Weybret.

**Roads and Highways**—Stream (Chairman), Allen, Andreas, Bashore, Del Mutolo, Fulcher, Gilmore, Leonard, Massion, Meehan, O'Day, Robertson, Sawallisch, Walker and Weybret.

**Rules**—Desmond (Chairman), Burns, Hugh M., Hawkins, Kepple, Lyon and Millington.

**Social Service and Welfare**—Daley (Chairman), Bashore, Yorty, Gallagher, Green, Heisinger, Houser, Johnson, Kepple, Lore, Millington, O'Day, Poulson, Watson and Weybret.

**Soldiers and Sailors Affairs**—Kepple (Chairman), Andreas, Atkinson, Del Mutolo, Donnelly, Houser, Kellems, Miller, George P., O'Donnell, Poulson, Seudder and Walker.

**State Colleges**—Kellems (Chairman), Burns, Hugh M., Burns, Michael J., Richie, Robertson, Stream and Weybret.

**State Grounds and Parks**—Doyle (Chairman), Burns, Michael J., Donnelly, Leonard, Stream and Thurman.

**Unemployment**—King (Chairman), Bennett, Houser, Kilpatrick, O'Donnell and Pelletier.

**Universities**—Johnson (Chairman), Dills, Evans, Kellems, Richie, Sheridan and Waters.

**Ways and Means**—Millington (Chairman), Allen, Burns, Hugh M., Corwin, Daley, Donnelly, Field, Gannon, Hawkins, Kepple, Knight, Miller, Eleanor; Miller, George P., O'Day, Sheridan, Thurman, Turner, Voigt, Walker, Weber and Williamson.

### House Resolution No. 5.

By Messrs. Robertson, Cassidy, Maloney, Carlson, Johnson, Miller, George P., Phillips and Sheridan:

WHEREAS, Thirty-five years ago, in the City of Blaine, Kansas, the lovely Miss Mollie Culhan made Henry P. Meehan the happiest of men by becoming his wife; and

WHEREAS, The ready smile and radiant personality of our colleague prove that the joys of married life have exceeded his fondest hopes, and that matrimony has been for this couple indeed a blessed institution; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Assembly hereby congratulates Mr. and Mrs. Henry P. Meehan upon their thirty-fifth wedding anniversary, and wishes for them many more years of marital felicity; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to present a suitably engrossed copy of this resolution to Mr. and Mrs. Henry P. Meehan.

### Request for Unanimous Consent.

Mr. Robertson asked for, and was granted, unanimous consent to consider House Resolution No. 5, at this time, without reference to committee.

House Resolution No. 5 read, and unanimously adopted.

### Committee from the Senate.

Senators DeLap, Wagy and Quinn appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate elected the following statutory officers of this Fifty-third (Fourth Extraordinary) Session:

<i>President pro tempore</i> .....	Jerr-ld L. Seawell
<i>Secretary of the Senate</i> .....	Joseph A. Beek
<i>Sergeant-at-Arms</i> .....	Joseph F. Nolan
<i>Minute Clerk</i> .....	James Boyd Garrison
<i>Chaplain</i> .....	A. Raymond Grant

J. A. BEEK, Secretary of Senate.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on September 13th adopted the following:

#### Senate Resolution No. 12.

By Senator Fletcher:

WHEREAS, A contract has been entered into between the State Board of Education and the Silver Burdett Publishing Co. for purchase of textbooks for use in the elementary schools of California; and

WHEREAS, In awarding this contract the State Board of Education ignored the recommendations of the State Curriculum Commission, which held the Silver Burdett textbook to be not only inferior to one published by the Sanborn Co., but costing approximately \$48,000 more; and

WHEREAS, After criticism of the award had been voiced by the press, prominent educators, citizens and a minority of the State Board of Education, a representative of the Silver Burdett Co. at a regular meeting of the State Board of Education held July 10, 1939, intimated his company could be induced to accept a figure approximately \$50,000 lower than the original; and

WHEREAS, The records show that a majority of the State Board of Education nevertheless proceeded to accept the higher figure, over the protests of minority members; and

WHEREAS, The Chairman of the State Board of Education, Dr. Lewis P. Crutcher, signed the contract after the State Superintendent of Public Instruction, Walter F. Dexter, had refused to approve it; and

WHEREAS, The Legislative Investigating Committee of 1937, reviewing the textbook controversy, reported: "This committee accepts the recommendation of the Curriculum Commission, and it is our firm opinion that the selection of the Silver Burdett books was either the result of corruption or of carelessness and neglect of a concern for State affairs that is appalling. As to corruption, nothing was brought before this committee that justifies any such conclusion, so we are forced to adopt the unhappy alternative"; and

WHEREAS, There appears to be ample justification for a searching and conclusive inquiry into all of the facts in connection with the Silver Burdett award; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Assembly Governmental Efficiency and Economy Fact-finding Committee created by House Resolution No. 67 of the First Extraordinary Session of the Fifty-third Legislature is hereby respectfully requested to proceed at once with an investigation into all phases of the Silver Burdett award and to report the results of its investigation to the Assembly and the Senate when the First Extraordinary Session of the Fifty-third Legislature reconvenes on December 2, 1940, to the end that this controversy may be cleared up once and for all.

J. A. BEEK, Secretary of Senate.

### House Resolution No. 6.

By the Committee on Attaches:

*Resolved,* That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law:

Rev. Raymond Lull Bailey, Chaplain;  
 Jack Carl Greenburg, Chief Clerk;  
 C. W. Booth, Assistant Chief Clerk;  
 David V. Oliver, Minute Clerk;  
 Wilkie Ogg, Sergeant-at-Arms;  
 Frank Reed, History Clerk;  
 Albert Day, Journal Clerk;  
 Lillian Larkin, Stenographer;  
 Michael Connolly, Assistant Sergeant-at-Arms;  
 Robert M. Guy, Assistant Sergeant-at-Arms;  
 Wilkie Ogg, Jr., Assistant Sergeant-at-Arms;  
 Ed Nathan, Assistant Sergeant-at-Arms;  
 Edward Harrison, Assistant Sergeant-at-Arms;

William Davies, Assistant Sergeant-at-Arms;  
William Murphy, Chief Page;  
Robert Voigt, Assistant Sergeant-at-Arms;  
Gracia May Carpenter, Stenographer;  
Harold McKenzie, Page;  
Louis Desmond, Page;  
Domingo Correa, Page;  
Jack Shafer, Page;  
Juanita Dependener, Chief Stenographer;  
Marion Hendricks, Engrossment and Enrollment Clerk;  
Nina Ronstadt, Secretary to the Speaker;  
Elizabeth Eyre, Stenographer;  
Alyse Nardella, Stenographer;  
Mrs. Harriet Newsom, Assistant Postmistress;  
Beulah Van Wart, Assistant Clerk.

VOIGT, Chairman.

#### Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 6, at this time, without reference to committee.

House Resolution No. 6 read, and adopted.

#### Presentation of Bills for Introduction.

The following bills were presented for introduction, and referred to the Legislative Counsel Bureau:

**Assembly Bill No. 1: By Messrs. Tenney, Yorty, Gannon, Bashore, Phillips, Garland, Allen, Andreas, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Corwin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Day, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Watson, Waters, Weber, Weybret, Williamson, Wollenberg, Burns, Michael J., Carlson, Collins, Cronin, Johnson, Millington and Walker, Mrs. Daley and Miss Miller**—An act to add Sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

**Assembly Bill No. 2: By Messrs. Kepple and Doyle**—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

**Assembly Bill No. 3: By Messrs. Desmond, Gannon, Doyle, Andreas, Burson, Weber, Allen and Thorp**—An act to add Section 152.5 to the State Civil Service Act relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Assembly Bill No. 4: By Mr. Hawkins**—An act to authorize housing authorities created by the Housing Authorities Law of this State to provide housing for persons engaged in National defense activities and their families and to authorize State public bodies to assist such housing, and providing that this act shall take effect immediately.

**Assembly Bill No. 5: By Mr. King**—An act to amend Section 13105 of the Health and Safety Code, and to add Chapter 1.5 (embracing Sections 13150 to 13156, inclusive) to Part 2 of Division XII thereof, relating to duties of the State Fire Marshal in encouraging, sponsoring and cooperating in the adoption of fire protection measures, including



methods for protecting against sabotage effected through arson, and to his duties in preparing and disseminating information relative to methods of protecting against sabotage effected through arson; authorizing investigations by the State Fire Marshal and his subordinates of buildings and premises where fires have occurred, of persons guilty or having knowledge thereof, and of arson and other crime committed in connection therewith.

**Assembly Bill No. 6: By Mr. Walker**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

**Assembly Bill No. 7: By Mr. Crowley**—An act to amend Sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

**Assembly Bill No. 8: By Messrs. Desmond and Doyle**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

**Assembly Bill No. 9: By Mr. King**—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, in accordance with the recommendations of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National Program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature.

### House Resolution No. 7.

By the Committee on Mileage:

*Resolved by the Assembly of the State of California*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same:

District	Name	Address	Distance from county seat	Mileage one way	Total mileage	Amount at 5 cents per mile
			Distance from county seat, less	Distance from county seat, more		
1	Michael J. Burns	Eureka, Humboldt County	312	--	624	\$31 20
2	Clinton J. Fulcher	Lookout, Modoc County	324	44	560	28 00



District	Name	Address	Distance from county seat	Distance from county seat, less	Village one way	Total mileage	Amount at 5 cents per mile
3	John H. O'Donnell	Woodland, Yolo County	23	--	--	46	\$2 30
4	Seth Millington	Gridley, Butte County	86	--	14	144	7 20
5	Ernest C. Crowley	Snisan, Solano County	48	--	--	96	4 80
6	Allen G. Thurman	Colfax, Placer County	37	17	--	54	5 40
7	Hubert B. Scudder	Sebastopol, Sonoma County	90	7	--	97	9 70
8	Chester F. Gamon	Sacramento, Sacramento County	--	--	--	--	--
9	Earl D. Desmond	Sacramento, Sacramento County	--	--	--	--	--
10	Harold F. Sawallisch	Richmond, Contra Costa County	62	22	84	168	8 40
11	Charles M. Weber	Stockton, San Joaquin County	48	--	--	96	4 80
13	James M. Cassidy	Oakland, Alameda County	84	--	--	168	8 40
14	George P. Miller	Alameda, Alameda County	84	5	89	178	8 90
15	Bernard A. Sheridan	Oakland, Alameda County	84	--	--	168	8 40
16	Arthur W. Carlson	Piedmont, Alameda County	84	--	--	168	8 40
17	Henry P. Meehan	Oakland, Alameda County	84	--	--	168	8 40
18	James H. Phillips	Oakland, Alameda County	84	--	--	166	8 30
19	Gardiner Johnson	Rockey, Alameda County	84	--	1 33	180	9 00
20	Thomas A. Maloney	San Francisco, San Francisco County	90	--	--	180	9 00
21	Joseph P. Gilmore	San Francisco, San Francisco County	90	--	--	180	9 00
22	George D. Collins, Jr.	San Francisco, San Francisco County	90	--	--	180	9 00
23	Dan Gallagher	San Francisco, San Francisco County	90	--	--	180	9 00
24	Edward F. O'Day	San Francisco, San Francisco County	90	--	--	180	9 00
25	Melvyn I. Cronin	San Francisco, San Francisco County	90	--	--	180	9 00
26	Ray Williamson	San Francisco, San Francisco County	90	--	--	180	9 00
27	Albert C. Wollenberg	San Francisco, San Francisco County	90	--	--	180	9 00
28	Robert Miller Green	San Francisco, San Francisco County	90	--	--	180	9 00
29	Harrison W. Call	Redwood City, San Mateo County	119	--	--	238	11 90
30	Ryrl R. Salsman	Palo Alto, Santa Clara County	128	18	146	292	14 60
31	M. G. Del Muto	San Jose, Santa Clara County	128	--	--	256	12 80
82	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	91	182	9 10
33	George A. Clarke	LeGrand, Merced County	114	15	129	258	12 90
34	Jacob M. Leonard	Hollister, San Benito County	173	--	--	346	17 30
35	Fred Weybret	Soledad, Monterey County	208	24	232	464	23 20
36	Hugh M. Burns	Fresno, Fresno County	169	--	--	338	16 90
37	S. L. Heisinger	Fresno, Fresno County	169	--	--	338	16 90
38	Gordon H. Garland	Woodlake, Tulare County	206	16	222	444	22 20
39	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460	--	--	920	46 00
40	Roscoe W. Burson	Fillmore, Ventura County	490	27	517	1034	51 70
41	Rodney L. Turner	Delano, Kern County	278	--	30 248	496	24 80
42	Elmer E. Lore	North Hollywood, Los Angeles County	447	--	--	894	44 70
43	C. Don Field	Glendale, Los Angeles County	447	--	10 437	874	43 70
44	John B. Pelletier	Los Angeles, Los Angeles County	447	--	--	894	44 70
45	Thomas J. Doyle	Los Angeles, Los Angeles County	447	--	--	894	44 70
46	Jack R. Tenney	Inglewood, Los Angeles County	447	10	457	914	45 70
47	Eleanor Miller	Pasadena, Los Angeles County	447	13	460	920	46 00
48	T. Fenton Knight	La Canada, Los Angeles County	447	16	463	926	46 30
49	Lee T. Bashore	Glendora, Los Angeles County	447	26	473	946	47 30
50	Gerald C. Kepple	Whittier, Los Angeles County	447	15	462	924	46 20
51	F. Ray Bennett	Los Angeles, Los Angeles County	447	--	--	894	44 70
53	Frederick F. Houser	Alhambra, Los Angeles County	447	9	456	912	45 60
55	Vernon Kilpatrick	Los Angeles, Los Angeles County	447	--	--	894	44 70
56	Norris Poulson	Los Angeles, Los Angeles County	447	--	--	894	44 70
58	Frank J. Waters, Jr.	Los Angeles, Los Angeles County	447	--	--	894	44 70
59	Charles W. Lyon	Los Angeles, Los Angeles County	447	--	--	894	44 70
61	Ernest O. Voigt	Los Angeles, Los Angeles County	447	--	--	894	44 70
62	Augustus F. Hawkins	Los Angeles, Los Angeles County	447	--	--	894	44 70
63	Don A. Allen	Los Angeles, Los Angeles County	447	--	--	894	44 70
64	Sammel W. Yorty	Los Angeles, Los Angeles County	447	--	--	894	44 70
65	John W. Evans	Los Angeles, Los Angeles County	447	--	--	894	44 70
96	Jack Massion	Los Angeles, Los Angeles County	447	--	--	894	44 70
67	Cecil R. King	Los Angeles, Los Angeles County	447	--	--	894	44 70
69	Ralph C. Dills	Compton, Los Angeles County	447	18	465	930	46 50
70	Maurice E. Atkinson	Long Beach, Los Angeles County	447	22	469	938	46 90
72	Godfrey A. Andreas	Upland, San Bernardino County	508	22	530	1060	53 00
73	Gordon W. Corwin	Redlands, San Bernardino County	508	9	517	1034	51 70
74	Clyde A. Watson	Orange, Orange County	481	--	--	962	48 10
75	Thomas A. Kuchel	Anaheim, Orange County	481	7	488	976	48 80
77	Clarence R. Walker	Westmorland, Imperial County	661	--	22 639	1278	63 90
78	Jeanette E. Daley	San Diego, San Diego County	573	--	--	1146	57 30
79	Paul A. Riehie	San Diego, San Diego County	573	--	--	1146	57 30
80	Charles W. Stream	Palm City, San Diego County	573	13	586	1172	58 60

Name	Address	Distance from county seat	Distance from county seat, less	Mileage one way	Total mileage	Amount at 10 cents per mile
Jack Carl Greenburg	Los Angeles, Los Angeles County	---	---	---	894	\$89 40
David V. Oliver	Merced, Merced County	---	---	---	228	22 80
Wilkie Ogg	Sacramento, Sacramento County	---	---	---	---	---

WATERS, Chairman.

## Request for Unanimous Consent.

Mr. Waters asked for, and was granted, unanimous consent to consider House Resolution No. 7, at this time, without reference to committee.

House Resolution No. 7 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—63.

NOES—Desmond, and Gannon—2.

## Introduction and Reference of Bills.

The following bills were reported back from the Legislative Council Bureau, and read the first time:

**Assembly Bill No. 1:** By Messrs. Tenney, Yorty, Gannon, Bashore, Phillips, Garland, Allen, Andreas, Bennett, Burns, Hugh M., Burson, Call, Cassidy, Clarke, Corwin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Heisinger, Houser, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Day, Poulson, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Watson, Waters, Weber, Weybret, Williamson, Wollenberg, Burns, Michael J., Carlson, Collins, Cronin, Johnson, Millington and Walker, Mrs. Daley and Miss Miller—An act to add Sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

Referred to Committee on Rules.

**Assembly Bill No. 2:** By Messrs. Kepple and Doyle—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 3:** By Messrs. Desmond, Gannon, Doyle, Andreas, Burson, Weber, Allen and Thorp—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 4:** By Mr. Hawkins—An act to authorize housing authorities created by the Housing Authorities Law of this State to

provide housing for persons engaged in National defense activities and their families, and to authorize State public bodies to assist such housing, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 5: By Mr. King**—An act to amend Section 13105 of the Health and Safety Code, and to add Chapter 1.5 (embracing Sections 13150 to 13156, inclusive) to Part 2 of Division XII thereof, relating to duties of the State Fire Marshal in encouraging, sponsoring and cooperating in the adoption of fire protection measures, including methods for protecting against sabotage effected through arson, and to his duties in preparing and disseminating information relative to methods of protecting against sabotage effected through arson; authorizing investigations by the State Fire Marshal and his subordinates of buildings and premises where fires have occurred, of persons guilty or having knowledge thereof, and of arson and other crime committed in connection therewith.

Referred to Committee on Rules.

**Assembly Bill No. 6: By Mr. Walker**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 7: By Mr. Crowley**—An act to amend Sections 607.4, 607.6, 608 and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 8: By Messrs. Desmond and Doyle**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

Referred to Committee on Rules.

**Assembly Bill No. 9: By Mr. King**—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, in accordance with the recommendations of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National Program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature.

Referred to Committee on Rules.

**Recess.**

At two o'clock and ten minutes p.m., on motion of Mr. Desmond the Assembly was declared at recess until the hour of two o'clock and fifteen minutes p.m.

**Reassembled.**

At two o'clock and fifteen minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Reports of Standing Committees.****On Rules.**

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 1.

Assembly Bill No. 7.

Assembly Bill No. 2.

Assembly Bill No. 8.

Assembly Bill No. 3.

Respectfully reports the same back with the recommendation: Do pass.

DESMOND, Chairman.

The above reported bills ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 6.

Assembly Bill No. 9.

Respectfully reports the same back with the recommendation: Be re-referred to Committee on Ways and Means.

DESMOND, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 4.

Respectfully reports the same back with the recommendation: Be re-referred to Committee on Social Service and Welfare.

DESMOND, Chairman.

The above reported bill re-referred to Committee on Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, September 21, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 5.

Respectfully reports the same back with the recommendation: Be re-referred to Committee on Insurance.

DESMOND, Chairman.

The above reported bill re-referred to Committee on Insurance.

**Recess.**

At two o'clock and twenty-seven minutes p.m., on motion of Mr. Desmond the Assembly was declared at recess until the hour of eight o'clock p.m.

**Reassembled.**

At eight o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Call of the Assembly.**

Mr. Desmond moved a call of the Assembly.

Motion carried. Time, eight o'clock and forty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.****Temporary Suspension of Assembly Rule No. 33.**

On motion of Mr. Crowley, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly



### Consideration of Assembly Bill No. 7.

**Assembly Bill No. 7**—An act to amend Sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code relating to vehicular crossings, and providing that this act shall take effect immediately.

#### Case of Urgency Resolution.

By Mr. Crowley:

*Resolved*, That Assembly Bill No. 7 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—56.  
**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 7, at this time.

### Second Reading of Assembly Bill No. 7.

**Assembly Bill No. 7**—An act to amend Sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

Bill read second time.

#### Urgency Clause.

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—56.  
**NOES**—None.

### Third Reading of Assembly Bill No. 7.

**Assembly Bill No. 7**—An act to amend Sections 607.4, 607.6, 608, and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Desmond, Dills, Donnelly, Doyle, Evans, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Sawallisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—56.  
**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Communications.

On motion of Mr. Desmond, the following communications were ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, September 21, 1940.

*Assemblyman Earl Desmond,*

*Chairman House Rules Committee, State Capitol.*

Academic and Civil Rights Council of California requests representative at hearing on bill to outlaw Communistic Party. Urge that you do everything in your power



to secure open hearing. Please let me know by wire when it will take place so that we may have our representative there. Thank you for your courtesy.

LOUISE BRANSTEN, Executive Secretary,  
1132 Greenwich, San Francisco.

*Louise Bransten, Executive Secretary,  
1132 Greenwich Street, San Francisco, California.*

Bill on Calendar for consideration of Assembly at eight o'clock tonight. Can postpone action until later tonight if you can be here and request a hearing.

Pelletier and Richie received your wire and join me in this reply.

EARL D. DESMOND, Chairman,  
House Committee on Rules,  
State Capitol.

### **Further Proceedings Under Call of the Assembly Dispensed With.**

At nine o'clock and two minutes p.m., on motion of Mr. Tenney, further proceedings under the call of the Assembly were dispensed with.

### **Motion for Committee of the Whole.**

Mr. Tenney moved that the Assembly resolve itself into a Committee of the Whole to consider Assembly Bill No. 1.

### **IN COMMITTEE OF THE WHOLE.**

On motion of Mr. Tenney, the committee did arise and report back to the Assembly.

### **IN ASSEMBLY.**

Speaker Garland in the chair.

### **Consideration of Assembly Bill No. 1.**

**Assembly Bill No. 1**—An act to add Sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

#### **Case of Urgency Resolution.**

By Mr. Tenney:

*Resolved*, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read.

#### **Call of the Assembly.**

Pending the announcement of the vote, Mr. Field moved a call of the Assembly.

Motion carried. Time, nine o'clock and fifty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

### **Proceedings Under Call of the Assembly by Unanimous Consent.**

#### **Temporary Suspension of Assembly Rule No. 33.**

On motion of Mr. Desmond, Assembly Rule No. 33 was temporarily suspended to allow the placing of more than one call of the Assembly.

### **Consideration of Assembly Bill No. 3.**

**Assembly Bill No. 3**—An act to add Section 152.5 to the State Civil Service Act relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Case of Urgency Resolution.**

By Mr. Desmond:

*Resolved*, That Assembly Bill No. 3 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—64.

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 3, at this time.

**Second Reading of Assembly Bill No. 3.**

**Assembly Bill No. 3**—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

**Urgency Clause.**

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

**NOES**—None.**Third Reading of Assembly Bill No. 3.**

**Assembly Bill No. 3**—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—68.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Further Proceedings Under Call of the Assembly Dispensed With on Case of Urgency Resolution to Assembly Bill No. 1.**

At ten o'clock and five minutes p.m., on motion of Mr. Field, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the case of urgency resolution to Assembly Bill No. 1 adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

**NOES**—Atkinson and Richie—2.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 1, at this time.

### Second Reading of Assembly Bill No. 1.

**Assembly Bill No. 1**—An act to add Sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

Bill read second time.

**Hon. Ernest O. Voigt in the Chair.**

At ten o'clock and twenty minutes p.m., Hon. Ernest O. Voigt, member of the Assembly from the Sixty-first District, in the chair.

### Third Reading of Assembly Bill No. 1.

**Assembly Bill No. 1**—An act to add Sections 2540.3, 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

Bill read third time, and passed by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

**NOES**—Atkinson, Lore, and Richie—3.

Title read and approved. Bill ordered transmitted to the Senate.

### Explanation of Vote.

In voting against the bill to outlaw the Communist Party I have voted, not for Communists or Communism, but for the American principle of democratic action by means of the ballot, alike for majority and minority schools of thought. I want it known in time to come that I took the floor against this bill as being futile and vicious and a solution of no problem.

**PAUL RICHIE.**

### Statement by Mr. Salsman.

I desire to state for the purpose of the record that I was in favor of the enactment of Assembly Bill No. 1—An act to outlaw the Communist Party. Although excused by the Speaker prior to the vote on this bill, I am happy to have been a co-author of this measure.

**BYRL R. SALSMAN.**

### The Speaker in the Chair.

At ten o'clock and fifty minutes p.m., Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

### Consideration of Assembly Bill No. 2.

**Assembly Bill No. 2**—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

**Case of Urgency Resolution.**

By Mr. Kepple:

*Resolved*, That Assembly Bill No. 2 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Collins, Corwin, Cronin, Crowley, Del Mtolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Ritchie, Robertson, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—45.

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 2, at this time.

**Second Reading of Assembly Bill No. 2.**

**Assembly Bill No. 2**—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

Bill read second time.

**Motion to Amend Assembly Bill No. 1.**

During the second reading of the bill, the following amendment was offered by Mr. Kepple:

**Amendment No. 1.**

On page 1 of the printed bill, between lines 8 and 9, insert the following:

"The average daily attendance of pupils upon classes conducted on Saturday pursuant to this section shall not be considered in computing the average daily attendance for the purpose of making apportionments from State funds."

Amendment adopted.

**Motion for Temporary Suspension of the Rules.**

Mr. Heisinger moved that the Rules be temporarily suspended for the purpose of considering further amendments to Assembly Bill No. 2, at this time.

Motion for temporary suspension of the Rules lost by the following vote:

**AYES**—Atkinson, Burns, Hugh M., Burns, Michael J., Cassidy, Clarke, Collins, Evans, Gilmore, Heisinger, Kilpatrick, O'Donnell, Sawallisch, Sheridan, and Mr. Speaker—14.

**NOES**—Allen, Andreas, Bashore, Bennett, Burson, Call, Carlson, Corwin, Cronin, Crowley, Del Mtolo, Desmond, Dills, Donnelly, Doyle, Field, Gallagher, Gannon, Green, Johnson, Kepple, Knight, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Poulson, Ritchie, Stream, Thurman, Walker, Waters, Watson, Weybret, Williamson, Wollenberg, and Yorty—41.

Assembly Bill No. 2 read second time, and ordered to reprint and engrossment.

**Consideration of Assembly Bill No. 8.**

**Assembly Bill No. 8**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

**Case of Urgency Resolution.**

By Mr. Desmond:

*Resolved*, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby



dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Sawalisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 8, at this time.

### Second Reading of Assembly Bill No. 8.

**Assembly Bill No. 8**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

Bill read second time.

#### Urgency Clause.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Sawalisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

### Third Reading of Assembly Bill No. 8.

**Assembly Bill No. 8**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to members absent in the armed forces of the United States, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Sawalisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Introduction and Reference of Bills.

The following bill was introduced, and read the first time:

**Assembly Concurrent Resolution No. 1:** By Messrs. Voigt, Houser, Lyon, Garland, Desmond, Gannon and Yorty—Relative to Hiram W. Johnson.

### Request for Unanimous Consent to Consider Assembly Concurrent Resolution No. 1.

Mr. Voigt asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 1, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.



**Consideration of Assembly Concurrent Resolution No. 1.**

**Assembly Concurrent Resolution No. 1—Relative to Hiram W. Johnson.**

Assembly Concurrent Resolution No. 1 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burnas, Hugh M. Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Poulson, Richie, Sawallisch, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Concurrent Resolution No. 1.**

Relative to Hiram Warren Johnson.

**WHEREAS**, Hiram Warren Johnson was born in Sacramento September 2, 1866, and has recently passed the seventy-fourth anniversary of that occasion; and

**WHEREAS**, He served as Governor of California for six years, during which time he brought California to the forefront in the enactment of progressive legislation and made the State Government a shining example of honesty and responsibility, so that his name is known for statesmanship and humanity in every household of the State; and

**WHEREAS**, For the past 24 years he has represented California in the greatest deliberative body in the world, where he has been zealous and effective, stalwartly defending, guarding and preserving the respective interests, rights and privileges of the citizen, the State and the Nation, in all their varied manifestations and relationships, ever battling for the right as he sees it; and

**WHEREAS**, The people of California in appropriate recognition of his exemplary service and his maturity of judgment have recently, by an overwhelming vote, drafted him for service in the United States Senate for the fifth consecutive time; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That on behalf of the people of California the Legislature congratulates Hiram Warren Johnson on his years and his victories, and expresses the wish of all that the Nation may continue to have the benefit of his counsel in the future as in the past; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Senate of these United States and a suitably engrossed copy to Hiram Warren Johnson.

**House Resolution No. 8.**

By Messrs. Tenney, Bennett and Yorty:

Congratulating Honorable Cecil R. King and Mrs. Gertrude King upon their wedding anniversary.

**WHEREAS**, This twenty-first day of September, 1940, is the twenty-first anniversary of the marriage of our popular and esteemed colleague, the Honorable Cecil R. King, and of Gertrude King; and

**WHEREAS**, Both of the pair give every external evidence of a remarkably blissful, harmonious and successful wedded life; and

**WHEREAS**, There is happily every good reason to expect for them an equally long period of devoted companionship in the years to come; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Assembly through the medium of this resolution conveys to the Honorable Cecil R. King and his dear wife its congratulations upon their respective choices and the completion of the twenty-first year of their wedded life; and be it further

*Resolved*, That this body wishes them many, many more years of continued and mending happiness, health and prosperity; and be it further

*Resolved*, That a suitably prepared copy of this resolution be presented by the Chief Clerk of this Assembly to the Honorable Cecil R. King and his charming wife, Gertrude.

**Request for Unanimous Consent.**

Mr. Tenney asked for, and was granted, unanimous consent to consider House Resolution No. 8, at this time, without reference to committee.

House Resolution No. 8 read, and unanimously adopted.

**Guests Extended Privilege of Assembly Floor.**

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Charles E. Van Der Oef, City Councilman of Hawthorne.

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Brynn Belyea of Lynwood.

On request of Mr. Atkinson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Robert L. Ringler of Long Beach.

On request of Miss Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Etta Hubbard of Sacramento.

On request of Mr. Richie, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Henry Crower, Mrs. Ruth Parker and Mr. and Mrs. Louis Vogt.

On request of the San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to J. Edwin Mattox, former President of the Young Democrats of San Francisco.

On request of Speaker Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Messrs. Donald J. Willson, Sam Smith and Dr. Edwin Ropes of Woodlake.

On request of Mr. Miller, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Gladys Moore and Mr. and Mrs. Charlie Russell of Oakland.

**Adjournment.**

At eleven o'clock and one minute p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock a.m., Sunday, September 22, 1940.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

# ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY  
 SECOND CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
 SACRAMENTO, Sunday, September 22, 1940.

At eleven o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
 Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thurnman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65.

Quorum present.

### Prayer Ordered Dispensed With.

On motion of Mr. King, the prayer was ordered dispensed with.

### Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Saturday, September 21, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Kellems, on motion of Mr. Lyon.  
 Mr. Gilbert, on motion of Mr. Hawkins.  
 Mr. Thorp, on motion of Mr. Clarke.  
 Mr. Dilworth, on motion of Mr. Clarke.

### Reports of Standing Committees.

#### On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred Assembly Bill No. 6.

Respectfully reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

### Motion to Print Argument in Journal.

On motion of Mr. Call, the following argument by Mr. Schneiderman in opposition to Assembly Bill No. 1, outlawing the Communist Party in California, was ordered printed in the Journal:

#### Argument by Mr. Schneiderman.

\* \* \* \* \*

The Congress of this United States has not found us guilty of these charges and neither has the Legislature of any State of the Union. If I had the time I would present you with legal opinions, however, I have to speak extemporaneously. The Attorney General of the State of Texas is an old fashioned American who believes that the Constitution means what it says and denied that the Communist Party be ruled off the ballot. The State of Kentucky likewise ruled that the Communist Party has the right to express their opinions other than the prevailing political groups. At this session you will vote to wipe out the party for defense. It is neither defense by a legislative body which denies these rights to a political minority, and the kind of a legislative body that exists under Fascist dictatorships.

I would like to quote to you from the Constitution of our party, the official document upon which our program is based, in order to indicate that the wording of this bill does not apply to our party, and that, if this bill is passed and is applied, it will be unjustly so.

From the Preamble of the Communist Party \* \* \* is a working class political party carrying forward today the traditions of Jefferson, Jackson, Lincoln and the Declaration of Independence. It is singular to the United States Constitution against its reactionary enemies who would destroy all popular liberties. It is devoted to the immediate interests of all toilers, and the preparation for the working class to unite and lead the American people to extend these Democratic principles \* \* \*

From Article 6, Rights and Duties of Members of the Communist Party of the United States: "Support the democratic achievements of the American people. It opposes with all its power any circle, group, clique or party which acts to subvert or undermine or overthrow American Democracy, where the American people have maintained power to control their own destiny. The Communist Party, standing unqualified, will fight with all its strength against any and every effort, whether it comes from abroad or within, to impose upon our people the arbitrary view of any party, clique." \* \* \*

A few years ago it was not fashionable to say anything against Hitler and Fascism. \* \* \* At that time we were fighting Fascism both here and abroad. Today it is fashionable for everybody to attempt to subvert American Democracy under the guise of national defense, of a national emergency, against the threat of foreign invasion, and it is precisely these people who are pointing the finger at us that we are the danger to the country.

I am proud to say that our party has for many years been carrying on the fight against Fascist element within the country and from abroad. The only party in Germany today that is fighting Hitler and Fascism is the Communist Party of Germany, and the same is true of every country where Fascist dictatorship has established itself.

Article 8. The supreme authority of the Communist Party is the National Convention. In other words, there is no other body inside or outside that has the authority to dictate to our party its policies, regardless of what you may say or what you may believe from press propaganda.

Article 11. The Communist Party is affiliated with the Communist Internationale. Resolutions and decisions of international congresses shall be considered and acted upon by the supreme authority, the Communist Party of the U. S. A.

Now one final quote. I can't find it so I will quote it from memory. Our Constitution provides that any advocate of methods of terrorism or violence is subject to immediate expulsion from our party. Only a few months ago we expelled Mr. Humphreys of Oakland because he advocated carrying on tactics of force and violence. We believe only provocateurs injected into the party by alien elements can be responsible for such tactics.

I see that I have only a few minutes left. I think that you gentlemen should consider well what you are voting on tonight, because when you vote to outlaw the Communist Party with as little political, legal or constitutional basis as you have in this bill, you are voting to scrap the Bill of Rights and to ignore the State and Federal Constitutions. I do not believe this bill can stand up in the courts or the United States Supreme Court, and I base this on my legal opinions.

I would like to call to your attention—to those of you who think, perhaps sincerely, that you are striking a blow for Democracy when you are taking this action. Let me remind you of Hitler whose first job was to suppress the Communist Party, and then the Socialist Party, the Catholic Party, the trade unions and the people as well. The favorite technique of Fascism is to strike first at the Communists and strike then at the other factions.



I would like to say that there are members in this Assembly, and high officials in this State, who met with leaders in the Communist Party only two years ago at election time to discuss with us the question of supporting them for election. They did not think we were subversive or un-American then. And I would like to name none other than the Governor of this State.

(Speaker: No demonstrations.)

They wanted the support of workers who took our advice in trade unions or other organizations. We haven't changed our colors, but it looks like the Governor and certain other former Liberals have changed. I do not think that they represent the people of the State or of their districts. Some of them have been defeated and repudiated. One of them, the gentleman who made the motion to introduce me here tonight, may recall that when he started a campaign against Communists his own union voted him out of office.

You can not outlaw an idea by passing a motion if it has validity and support among the people. You are not voting to outlaw the ideals of Communism, but the American constitutional rights for political minorities.

Many people who are not Communists will nevertheless support our right to have our say and to have candidates on the ballot and to speak our piece under the laws of this land. Once that Constitution is violated you are on the road to Fascism which all your talk will not prevent.

We Communists are 100 per cent for the defense of this country. We will fight against any Fascist or foreign invasion. The people of France were betrayed not by the Communists but by—

(Point of order taken. Suggestion to give speaker five minutes longer. Seconded, and unanimous consent.)

May I remind you that the leaders of France also used patriotic slogans and spoke about defense of France, but they betrayed the people because they suppressed and outlawed Communists and trade unions.

If we are to go down that road, let us not forget that we can not fight for democracy by suppressing Communists.

We are fighting for certain social and labor legislation and for the rights of the unemployed. We are not fighting for Socialism. We do not think Socialism can be established in America until a majority of the people vote for it. We don't intend to do more in the meantime but to carry on our educational work. We are a large group of people active in trade unions and the political life of the country. When you aim to suppress us, you aim at those who are fighting for the unemployed and the under-privileged. The time will come when those of you who vote the way you plan to do will have to reckon with the people.

Let me quote from Victor Hugo: "There is something mightier than an army, and that is an idea whose time has come."

### Third Reading of Assembly Bill No. 2.

**Assembly Bill No. 2**—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause.

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—67.

**NOES**—None.

Bill read third time, and passed by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—67.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.



**Senate Message.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

**Assembly Concurrent Resolution No. 1**—Relative to Hiram W. Johnson.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered to enrollment

**Consideration of Assembly Bill No. 6.**

**Assembly Bill No. 6**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

**Case of Urgency Resolution.**

By Mr. Walker:

*Resolved*, That Assembly Bill No. 6 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Mr. Speaker—66.

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Assembly Bill No. 6, at this time.

**Second Reading of Assembly Bill No. 6.**

**Assembly Bill No. 6**—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.

Bill read second time.

**Urgency Clause.**

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—67.

**NOES**—None.

**Recess.**

At one o'clock and thirty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of four o'clock p.m.

**Reassembled.**

At four p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

### Motion for Committee of the Whole.

Mr. King moved that the Assembly resolve itself into a Committee of the Whole.

#### Motion to Table.

Mr. Call moved that Mr. King's motion for Committee of the Whole be tabled.

Motion to table lost by the following vote:

**AYES**—Allen, Call, Corwin, Cronin, Gannon, Watson, and Mr. Speaker—7.  
**NOES**—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Clarke, Collins, Crowley, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Lore, Lyon, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Salsman, Seudder, Stream, Tenney, Thurman, Turner, Walker, Waters, Weber, Weybret, and Yorty—47.

The question being on the motion that the Assembly resolve itself into a Committee of the Whole.

Motion carried by the following vote:

**AYES**—Andreas, Atkinson, Bennett, Burns, Michael J., Carlson, Cassidy, Clarke, Collins, Daley, Dills, Donnelly, Doyle, Evans, Field, Gallagher, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuebel, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Salsman, Stream, Tenney, Turner, Voigt, Walker, Waters, Watson, Weber, and Yorty—48.  
**NOES**—Allen, Bashore, Burson, Call, Corwin, Cronin, Desmond, Fulcher, Gannon, Green, Leonard, Seudder, Thurman, Weybret, Wollenberg, and Mr. Speaker—16.

### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Lyon, the committee did arise and report back to the Assembly.

### IN ASSEMBLY.

Speaker Garland in the chair.

#### Consideration of Senate Bill No. 6.

**Senate Bill No. 6**—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

#### Case of Urgency Resolution.

By Mr. Desmond:

*Resolved*, That Senate Bill No. 6 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered and passed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuebel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.  
**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 6, at this time.

#### Second Reading of Senate Bill No. 6.

**Senate Bill No. 6**—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service

employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

#### Urgency Clause.

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andrews, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cull, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—None.

#### Third Reading of Senate Bill No. 6.

**Senate Bill No. 6**—An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State Civil Service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andrews, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cull, Carlson, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

#### Leave of Absence.

Mr. Dills was granted leave of absence for the balance of this legislative day, on motion of Mr. Atkinson.

#### Consideration of Senate Bill No. 7.

**Senate Bill No. 7**—An act to amend sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately.

#### Case of Urgency Resolution.

By Mr. Desmond:

*Resolved*, That Senate Bill No. 7 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—Allen, Andrews, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cull, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 7, at this time.

**Second Reading of Senate Bill No. 7.**

**Senate Bill No. 7**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Urgency Clause.**

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

**NOES**—None.

**Third Reading of Senate Bill No. 7.**

**Senate Bill No. 7**—An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Law, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—65.

**NOES**—None.

Title read.

**Motion to Amend Title to Senate Bill No. 7.**

Mr. Desmond moved to amend the title to Senate Bill No. 7, as follows:

**Amendment No. 1.**

In line 2 of the title of the printed bill, strike out the word "Law", and insert in lieu thereof the following: "Act".

Amendment adopted.

Title read, as amended, and approved. Bill ordered transmitted to the Senate.

**Leaves of Absence.**

Mr. Phillips was granted leave of absence for the balance of this legislative day, on motion of Mr. Carlson.

Mr. Tenney was granted leave of absence for the balance of this legislative day, on motion of Mr. Yorty.

**Senate Message.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1—Relative to legislation on Defense Council and subjects directly related thereto.

J. A. BEEK, Secretary of Senate.

**Request for Unanimous Consent to Consider Senate Concurrent Resolution No. 1.**

Mr. Burns, Michael J., asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 1, at this time, without reference to committee or calendar.

### Consideration of Senate Concurrent Resolution No. 1.

**Senate Concurrent Resolution No. 1**—Relative to legislation on Defense Council and subjects directly related thereto.

Senate Concurrent Resolution No. 1 read, and adopted by the following vote:

**AYES**—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Dounelly, Doyle, Field, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Poulson, Richie, Robertson, Salsman, Sawalliseh, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weyhret, Williamson, Wollenberg, Yorty, and Mr. Speaker—58.

**NOES**—Atkinson, Collins, and Kilpatrick—3.

Title read and approved. Bill ordered transmitted to the Senate.

#### Senate Concurrent Resolution No. 1.

Relative to legislation on Defense Council and subjects directly related thereto.

**WHEREAS**, The Governor has included as an item of legislation in his Proclamation for this Fourth Special Session of the Legislature, the creation of the State Council of Defense and subjects directly relating thereto; and

**WHEREAS**, The enactment of this legislation should not be undertaken in view of the gravity of the situation without full study and adequate consideration; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Legislature hereby expresses its intention to study thoroughly and adequately the need for such legislation and the ramifications thereof; and be it further

*Resolved*, That the Legislature does not intend to finally adjourn this Fourth Special Session until it has had time to so adequately consider the creation of a California State Council of Defense; and be it further

*Resolved*, That when it has completed its consideration the Legislature expresses its intention of reconvening for the purpose of finally disposing of the proposal.

### Notice of Motion to Withdraw Assembly Bill No. 5 from Committee.

Mr. King gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 5 from the Committee on Insurance, and have it placed on the calendar.

### Introduction and Reference of Bills.

The following bill was introduced, and read:

**Assembly Joint Resolution No. 1: By Messrs. Watson, Call, Green, Garland, and Field**—Relative to memorializing Congress to pass legislation for the control of predators.

#### Request for Unanimous Consent to Consider Assembly Joint Resolution No. 1.

Mr. Watson asked for, and was granted, unanimous consent to consider Assembly Joint Resolution No. 1, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

### Consideration of Assembly Joint Resolution No. 1.

**Assembly Joint Resolution No. 1**—Relative to memorializing Congress to pass legislation for the control of predators.

Assembly Joint Resolution No. 1 read.

The roll was called.

#### Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, four o'clock and forty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.



**Proceedings Under Call of the Assembly by Unanimous Consent.****Further Consideration of Senate Bill No. 2.**

**Senate Bill No. 2**—An act to amend Section 1 of, and to add Sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

**Case of Urgency Resolution.**

By Mr. Seudder:

*Resolved*, That Senate Bill No. 2 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Seudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 2, at this time.

**Second Reading of Senate Bill No. 2.**

**Senate Bill No. 2**—An act to amend Section 1 of, and to add Sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Bill read second time.

**Urgency Clause.**

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Seudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—60.

**NOES**—None.

**Third Reading of Senate Bill No. 2.**

**Senate Bill No. 2**—An act to amend Section 1 of, and to add Sections 2 and 2.1 to, an act entitled "An act making an appropriation

to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately." approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

**Motion to Amend Senate Bill No. 2.**

Mr. Call moved to amend Senate Bill No. 2 as follows:

**Amendment No. 1.**

On page 2, line 22, of the printed bill, strike out the period, and insert in lieu thereof the following:

" ; and  
(c) Such expenditure and purpose is first approved by the State Controller".

Amendment adopted.

Senate Bill No. 2 ordered to reprint, and third reading calendar.

**Report of Standing Committee.**

**On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 1.**

And reports the same correctly enrolled, and presented to the Governor on this twenty-second day of September, 1940, at five o'clock p.m.

CASSIDY, Chairman.

Hon. Frederick F. Houser in the Chair.

At four o'clock and fifty minutes p.m., Hon. Frederick F. Houser, Member of the Assembly from the Fifty-third District, in the chair.

**Third Reading of Senate Bill No. 2.**

**Senate Bill No. 2**—An act to amend Section 1 of, and to add Sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately." approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andrews, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crovin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Mechau, Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Sender, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—60.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Introduction and Reference of Bills.**

The following bill was introduced, and read the first time:

**Assembly Concurrent Resolution No. 2:** By Mr. Desmond—Relative to a recess of the Senate and Assembly of the State of California.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 2, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 2.**

**Assembly Concurrent Resolution No. 2**—Relative to a recess of the Senate and Assembly of the State of California.

Assembly Concurrent Resolution No. 2 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Desmond, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Green, Hawkins, Heisinger, Iousser, Johnson, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Millington, O'Day, O'Donnell, Pelletier, Richie, Robertson, Salsman, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—57.

**NOES**—Collins, Gilmore, Lore, and Poulson—4.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Concurrent Resolution No. 2.**

Relative to a recess of the Senate and Assembly of the State of California.

**WHEREAS**, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty first day of September, 1940, pursuant to a Proclamation of the Governor of the State of California, as provided by Section 9 of Article V of the Constitution of the State of California; and

**WHEREAS**, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940; and

**WHEREAS**, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

**WHEREAS**, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

*Resolved*, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

*Resolved*, That the Senate and the Assembly of the State of California shall adjourn at nine o'clock p.m. on the twenty-second day of September, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at eleven o'clock a.m., on said second day of December, 1940, unless sooner reconvened as hereinafter provided; and be it further

*Resolved*, That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

**House Resolution No. 9.**

By the Committee on Attaches:

*Resolved*, That the following named persons be stricken from the list of Assembly attaches to take effect on completion of work September 22, 1940:

Rev. Raymond Lull Bailey	William Murphy
Jack Carl Greenburg	Robert Voigt
C. W. Booth	Gracie Mae Carpenter
David V. Oliver	Harold McKenzie
Wilkie Ogg	Louis Desmond
Frank Reed	Domingo Correa
Albert Day	Jack Shafer
Lillian Larkin	Juanita Dependener
Michael Connolly	Marion Hendricks
Robert M. Guy	Nina Ronstadt
Wilkie Ogg, Jr.	Elizabeth Eyre
Ed Nathan	Alyse Nardella
Edward Harrison	Mrs. Harriet Newson
William Davies	Bulah Van Wart

VOIGT, Chairman, Committee on Attaches.

**Request for Unanimous Consent.**

Mr. Voigt asked for, and was granted, unanimous consent for the consideration of House Resolution No. 9, at this time, without reference to committee.

House Resolution No. 9 read, and adopted.

**Further Proceedings Under Call of the Assembly Dispensed With on Assembly Joint Resolution No. 1.**

At four o'clock and fifty-three minutes p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Donnelly, Doyle, Evans, Field, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, Pelletier, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62.

NOES—Lore—1.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 1.**

Relative to memorializing Congress to pass legislation for the control of predators.

WHEREAS, Due to existing Federal legislation the killing of predators that prey upon our fish and game is prohibited in National Parks; and

WHEREAS, Such predators daily take a deadly toll of fish and game in and out of National Parks; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California does hereby memorialize the President and Congress of the United States to consider and enact legislation permitting the control of predators in National Parks in the State of California by the California Fish and Game Commission and its duly authorized officers and agents; and be it further

*Resolved*, That the Chief Clerk of the Assembly of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California to the Congress of the United States, and that such Senators and members from California are respectfully urged to support such legislation.

**Recess.**

At four o'clock and fifty-five minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of seven o'clock and forty-five minutes p.m.

**Reassembled.**

At seven o'clock and forty-five minutes p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Senate Messages.**

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

**Assembly Joint Resolution No. 1**—Relative to memorializing Congress to pass legislation for the control of predators.

**Assembly Concurrent Resolution No. 2**—Relative to a recess of the Senate and Assembly of the State of California.

J. A. BEEK, Secretary of Senate.

The above reported bills ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Assembly Bill No. 2**—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, September 22, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to the following:

**Senate Bill No. 2.**

**Senate Bill No. 7.**

J. A. BEEK, Secretary of Senate.

**Committee from the Senate.**

A committee from the Senate, consisting of Senators Quinn, Mayo and Breed, informed the Assembly that they were now ready to recess the Fifty-third (Fourth Extraordinary) Session of the Legislature.

**House Resolution No. 10.**

By Mr. Field:

*Resolved*, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

**Request for Unanimous Consent.**

Mr. Field asked for, and was granted, unanimous consent to consider House Resolution No. 10, at this time, without reference to committee.

House Resolution No. 10 read, and adopted.

**Appointment of Committee.**

The Speaker appointed Messrs. Field, Heisinger and Robertson as a Special Committee to inform the Senate that the Assembly was now ready to recess the Fifty-third (Fourth Extraordinary) Session.

**House Resolution No. 11.**

By Mr. Meehan:

*Resolved*, That the Speaker appoint a Committee of Three to wait upon His Excellency, Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

**Request for Unanimous Consent.**

Mr. Meehan asked for, and was granted, unanimous consent to consider House Resolution No. 11, at this time, without reference to committee.

House Resolution No. 11 read, and adopted.



**Appointment of Committee.**

The Speaker appointed Messrs. Meehan, Thurman and Yorty as a Special Committee to inform the Governor that the Assembly was now ready to recess the Fifty-third (Fourth Extraordinary) Session.

**Reports of Committees.**

The committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

**Approval of Journals.**

On motion of Mr. Desmond, the Journals of Saturday, September 21, 1940, and Sunday, September 22, 1940, were approved as corrected by the Minute Clerk.

**Recess.**

At nine o'clock p.m., on Sunday, September 22, 1940, in accordance with the provisions of Assembly Concurrent Resolution No. 2, the Honorable Gordon H. Garland, Speaker of the Assembly, declared the Fifty-third (Fourth Extraordinary) Session of the Assembly of the State of California in recess until eleven o'clock a.m., Monday, December 2, 1940, unless sooner reconvened in accordance with the provisions of Assembly Concurrent Resolution No. 2.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

---

# ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY  
SEVENTY-THIRD CALENDAR DAY

---

## IN ASSEMBLY

---

ASSEMBLY CHAMBER,

SACRAMENTO, Monday, December 2, 1940.

At eleven o'clock a.m., pursuant to the provisions of Assembly Concurrent Resolution No. 2, adopted September 22, 1940, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuebel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—72.

Quorum present.

### Prayer.

Prayer was offered by Rev. E. Kenneth Feaver, Minister of Bethany Presbyterian Church of Sacramento.

### Pledge of Allegiance to the Flag.

Pursuant to a motion made by Mr. Doyle, the Assembly pledged allegiance to the flag.

### Communication.

MINT CANYON, CALIFORNIA,  
November 30, 1940.

*Jack Carl Greenburg, Chief Clerk,  
Assembly, California Legislature,  
Sacramento, California.*

*To the Members of the Assembly, Dear Colleagues and Friends.*

It is with deep regret that I find myself unable to attend this special session of the Legislature.

I had been hopeful of attending but have, in addition to my other illness, been having the influenza, and am not sufficiently recovered to dare attempt attending. I am still at a health resort in Mint Canyon.

With best regards to all the friends and members of the Assembly, I remain

Yours sincerely,

WILBUR F. GILBERT.

### **Leaves of Absence for the Extraordinary Session.**

On motion of Mr. Field, Mr. Redwine and Mr. Gilbert were granted a leave of absence for the Fifty-third (Fourth Extraordinary) Session.

On motion of Mr. Lyon, Mr. Corwin was granted a leave of absence for the Fifty-third (Fourth Extraordinary) Session.

### **Motion for Temporary Suspension of Rule No. 102.**

Mr. Field moved that Rule No. 102 be suspended temporarily for the purpose of allowing Assemblymen-elect to be permitted on the floor of the Assembly at this time.

Motion for temporary suspension of Rule No. 102 carried.

### **Report of Standing Committee.**

#### **On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, October 1, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 1.

Assembly Bill No. 2.

Assembly Bill No. 7.

Assembly Concurrent Resolution No. 2.

Assembly Joint Resolution No. 1.

And reports the same correctly enrolled, and presented to the Governor on this first day of October, 1940, at four o'clock and thirty minutes p.m.

CASSIDY, Chairman.

### **Reports of State Engineer Pertaining to Detailed Reports of Flood Control Works.**

On motion of Mr. Turner, the reports were received, and ordered filed with the Secretary of State.

### **Recess.**

At eleven o'clock and twenty minutes a.m., on motion of Mr. Turner, the Assembly was declared at recess until the hour of eleven o'clock and fifty minutes a.m.

### **Reassembled.**

At eleven o'clock and fifty minutes a.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

### **House Resolution No. 12.**

By the Committee on Attaches:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law:

*Commencing Monday, December 2, 1940:*

Rev. Raymond Lull Bailey, Chaplain;

Jack Carl Greenburg, Chief Clerk;

C. W. Booth, Assistant Chief Clerk;

David V. Oliver, Minute Clerk;

Wilkie Ogg, Sergeant-at-Arms;

Alburt Day, Journal Clerk;

Lillian Larkin, Stenographer;

Michael Connolly, Assistant Sergeant-at-Arms;

Francis Ogg, Assistant Sergeant-at-Arms;

Harold Lewright, Assistant Sergeant-at-Arms;

Robert Voigt, History Clerk;

James Evans, Assistant Sergeant-at-Arms;

Robert Guy, Assistant Sergeant-at-Arms;

Ed Nathan, Assistant Sergeant-at-Arms;

Andrew A. Crist, Assistant Sergeant-at-Arms;  
 Marion Hendricks, Engrossing and Enrolling Clerk;  
 Beulah Van Wart, Assistant Clerk;  
 Juanita Dependener, Chief Stenographer;  
 Nina Ronstadt, Secretary to the Speaker;  
 Elizabeth Eyre, Stenographer;  
 Sheral Holmes, Stenographer;  
 Irene Mosher, Stenographer;  
 Gertrude Marton, Stenographer;  
 Fay Cronkite, Stenographer;  
 June W. Ballard, Stenographer;  
 Mary Jane Doty, Stenographer;  
 Jacqueline Morgan, Stenographer;  
 William Murphy, Chief Page;  
 Louis Desmond, Page;  
 Domingo Correa, Page;  
 Jack Shafer, Page;  
 Jack W. Booth, Page;  
 Raymond Williamson, Jr., Page.

VOIGT, Chairman.

#### Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 12, at this time, without reference to committee. House Resolution No. 12 read, and adopted.

#### Message from the Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
 SACRAMENTO, December 2, 1940.

*Honorable Members of the Assembly,  
 Sacramento, California.*

GENTLEMEN: No doubt you are wholly familiar with the matters which I am calling to your attention herein. However, some of the subjects of this and other extraordinary sessions of the Legislature, and chiefly the subjects related to the National Defense, are of such importance that I feel that I should call your attention to the necessity of action prior to the next regular session of the Legislature. A measure passed at one of the special sessions can not take effect until at least March, 1941; that is, ninety days after adjournment of the session at which it is passed. A measure passed at the regular session in all probability will not take effect until September, 1941. It is true that an urgency measure can go into immediate effect, but it will be remembered that Article IV, Section 1, of the State Constitution provides that "no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure." Therefore, it is plain that those measures which may be construed as creating an office or changing the duties of an officer and which will be needed before September, 1941, should be acted upon before the regular session of the Legislature.

I may say, also, that some of the defense measures, while apparently of small individual significance, may be a necessary step in a very large program and the delay in the matter of legislation may cause serious delays in the program.

Respectfully submitted.

CULBERT L. OLSON,  
 Governor of California.

On motion of Mr. Call, the above communication was ordered printed in the Journal.

#### Recess.

At eleven o'clock and fifty-two minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and forty-five minutes p.m.

#### Reassembled.

At two o'clock and forty-five minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

#### Introduction and Reference of Bill.

The following bill was introduced, and read:

**Assembly Concurrent Resolution No. 3: By Mr. Desmond**—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 3, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 3.**

**Assembly Concurrent Resolution No. 3**—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

Assembly Concurrent Resolution No. 3 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Dilworth, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Lyon, Massion, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Watson, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—58.

**NOES**—Collins—1.

Title read and approved. Bill ordered to print and transmitted to the Senate.

**Assembly Concurrent Resolution No. 3.**

Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at one o'clock p.m., on the twenty-first day of September, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of September 21, 1940, shall adjourn sine die at 4:30 o'clock p.m., December 3, 1940.

**Recess.**

At two o'clock and fifty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of four o'clock and thirty minutes p.m.

**Reassembled.**

At four o'clock and thirty minutes p.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Senate Message.**

SENATE CHAMBER, SACRAMENTO, December 2, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

J. A. BEEK, Secretary of Senate.

Senate Bill No. 13 ordered placed on calendar without reference to committee.

**Adjournment.**

At four o'clock and forty-five minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until eleven o'clock and thirty minutes a.m., Tuesday, December 3, 1940.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

---

# ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY  
SEVENTY-FOURTH CALENDAR DAY

---

## IN ASSEMBLY

---

ASSEMBLY CHAMBER,  
SACRAMENTO, Tuesday, December 3, 1940.

At eleven o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burnes, Hugh M., Burnes, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Seudler, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

### Prayer Dispensed With.

By ordered of the Speaker, the prayer was dispensed with.

### Reading of the Journal Dispensed With.

On motion of Mr. Clarke, the further reading of the Journal of Monday, December 2, 1940, was dispensed with.

### Second Reading of Senate Bill No. 13.

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Bill read second time.

### Case of Urgency Resolution.

By Mr. Kuchel:

*Resolved*, That Senate Bill No. 13 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weher, Weybret, Wollenberg, and Mr. Speaker—66.

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 13, at this time.

### Third Reading of Senate Bill No. 13.

**Senate Bill No. 13**—An act making an appropriation for the expenses of the Senate for the Fourth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—66.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Notice of Motion to Withdraw Assembly Bill No. 5 from Committee.

Mr. King gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 5 from the Committee on Insurance and have it placed on the calendar.

### Recess.

At twelve o'clock and twenty minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of four o'clock p.m.

### Reassembled.

At four o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

### Adjournment.

At four o'clock and ten minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock and thirty minutes p.m., Wednesday, December 4, 1940.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION**

# ASSEMBLY DAILY JOURNAL

**FIFTH LEGISLATIVE DAY**  
**SEVENTY-FIFTH CALENDAR DAY**

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
SACRAMENTO, Wednesday, December 4, 1940.

At two o'clock and thirty minutes p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Don A. Allen, member of the Assembly from the Sixty-third District, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Purson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—73.

Quorum present.

### Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

### Reading of the Journal Dispensed With.

On motion of Mr. Doyle, the further reading of the Journal of Tuesday, December 3, 1940, was dispensed with.

### Leave of Absence for the Day.

The following member was granted leave of absence for the day:  
Mr. Field, on motion of Mr. Kellems.

### Senate Messages.

SENATE CHAMBER, SACRAMENTO, December 4, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended:

#### Assembly Bill No. 6.

and respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered on the unfinished business calendar.

SENATE CHAMBER, SACRAMENTO, December 4, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 2—Relative to purchases of woolen materials and products for National Defense Program

J. A. BEEK, Secretary of Senate.

**Request for Unanimous Consent.**

Mr. Burns, Michael J., asked for, and was granted, unanimous consent to consider Senate Joint Resolution No. 2, at this time, without reference to committee or calendar.

**Consideration of Senate Joint Resolution No. 2.**

**Senate Joint Resolution No. 2**—Relative to purchases of woolen materials and products for National Defense Program

Senate Joint Resolution No. 2 read, and adopted by the following vote:

**AYES**—Allen, Bashore, Burns, Hugh M. Burns, Michael J., Clarke, Collins, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Kilpatrick, Kuchel, Leonard, Lore, Lyon, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Thurman, Turner, Voigt, Waters, Weber, and Weybret—42.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Senate Joint Resolution No. 2.**

Relative to purchases of woolen materials and products for National Defense Program.

**WHEREAS**, The Government of the United States has embarked on a program designed to protect the shores of this country against the menace of totalitarianism; and

**WHEREAS**, As part of this program the Government is purchasing woolen materials and products necessary for adequate defense; and

**WHEREAS**, Consistent with the ideals of democracy which we are striving to defend and preserve is the thought that woolen goods manufacturers throughout the country should be given an opportunity to do their share towards carrying into effect the defense program; and

**WHEREAS**, Because of differentials in prices resulting from location, woolen goods manufacturers on the west coast can not compete with their competitors in other sections of the country in submitting bids for Government contracts, and are thus deprived of an opportunity to participate in the defense program; and

**WHEREAS**, The inequities in this situation call for desirable changes at the earliest possible date; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the National Advisory Defense Commission and the United States War and Navy Departments are hereby respectfully urged to provide in their specifications for bids for national defense contracts for the purchase and sale of woolen products, in cases where the bids of west coast manufacturers of such products would otherwise exceed those of manufacturers in other sections of the country, such excess representing the cost of transporting the products to the place of delivery, either that—

(a) An allowance in the amount of freight will be made in favor of the bids submitted by the west coast manufacturers; or

(b) The bids submitted by west coast manufacturers may be based on prices F.O.B. their mills; and be it further

*Resolved*, That a copy of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each member of the Senate and the House of Representatives from California in the Congress of the United States, to Mr. Edward Stettinius and each other member of the National Advisory Defense Commission of the United States, to the Secretaries of the War and Navy Departments of the United States, and to the Quartermaster-General of the United States Army in command at Philadelphia.

Hon. Thomas H. Kuchel in the Chair.

At two o'clock and forty minutes p.m., Hon. Thomas H. Kuchel, member of the Assembly from the Seventy-fifth District, in the chair.

### Introduction and Reference of Bills.

The following bill was introduced, and read the first time:

**Assembly Concurrent Resolution No. 4: By Mr. Johnson—Relative to the birth of Roger Hayes Moore.**

#### Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 4, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

### Consideration of Assembly Concurrent Resolution No. 4.

**Assembly Concurrent Resolution No. 4—Relative to the birth of Roger Hayes Moore.**

Assembly Concurrent Resolution No. 4 read, and adopted by the following vote:

**AYES**—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuehl, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Pelletier, Phillips, Poulson, Richie, Robertson, Sawallisch, Seudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—58.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

#### Assembly Concurrent Resolution No. 4.

Relative to the birth of Roger Hayes Moore.

**WHEREAS**, When the reverberations from the flapping of the wings of the Chief Stork had finally ceased on December 2, 1940, it was found that the Provisional Carrier had presented Roger Hayes Moore to Mr. and Mrs. Clifton Hayes Moore; and

**WHEREAS**, Roger Hayes Moore constituted at birth nine pounds and two ounces of boundless joy not only to his parents, but particularly to his grandparents, State Printer and Mrs. George H. Moore; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature felicitate both the parents and the grandparents of Roger Hayes Moore on the occasion of this propitious addition to their family; and be it further

*Resolved*, That the Legislature foresees a long and substantial career for Roger Hayes Moore to his own credit, the credit of his parents and his grandparents, and the credit of the State of California; and be it finally

*Resolved*, That the Chief Clerk of the Assembly is directed to prepare and deliver a properly engrossed copy of this resolution to the family of Roger Hayes Moore to be held by them in trust for him.

### Consideration of Senate Amendments to Assembly Bill No. 6.

**Assembly Bill No. 6—An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately.**

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 6?

#### Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "\$255,000", and insert in lieu thereof the following: "\$100,000".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Bill No. 6 by the following vote:

**AYES**—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Pelletier, Poulson, Richie, Robertson, Sawallisch, Seud-



der, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—Heisinger—1.

Assembly Bill No. 6 ordered to enrollment.

### House Resolution No. 13.

By Mr. Weber :

WHEREAS, This Assembly has learned with extreme regret of the recent death of the Honorable F. C. Clowdsley, former member of the Assembly representing the Fifteenth District; and

WHEREAS, Mr. Clowdsley was first elected to the Assembly in 1926 and served there continuously until 1935; and

WHEREAS, He was elected Speaker pro tempore of the Assembly at the 1933 session of the Legislature and was in the succeeding year chosen by the people of San Joaquin County as their district attorney, a position in which he became widely recognized as an able prosecutor who sought justice in all cases; and

WHEREAS, The members of this Assembly who served with "Tod" Clowdsley remember him as an outstanding liberal with a deep, underlying interest in the humanities, a high sense of justice and of duty and a sincere interest in the problems of his fellow men; now, therefore, be it

*Resolved by the Assembly of the State of California*, That when we adjourn this day we do so in respect to the memory of the Honorable F. C. Clowdsley, former member of the Assembly and Speaker pro tempore of the Assembly; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to convey to the family a suitably prepared copy of this expression of tribute from the Assembly of California.

#### Request for Unanimous Consent.

Mr. Weber asked for, and was granted, unanimous consent to consider House Resolution No. 13, at this time, without reference to committee.

House Resolution No. 13 read, and adopted unanimously.

### Adjournment.

At two o'clock and fifty-nine minutes p.m., on motion of Mr. Doyle, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Honorable F. C. Clowdsley, former member of the Assembly, until eleven o'clock and thirty minutes a.m., Thursday, December 5, 1940.

DAVID V. OLIVER, Minute Clerk.

CALIFORNIA LEGISLATURE  
FIFTY-THIRD (FOURTH EXTRAORDINARY) SESSION

---

# ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY  
SEVENTY-SIXTH CALENDAR DAY

---

## IN ASSEMBLY

---

ASSEMBLY CHAMBER,  
SACRAMENTO, Thursday, December 5, 1940.

At eleven o'clock and thirty minutes a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—63.

Quorum present.

### Prayer Dispensed With.

By order of the Speaker, the prayer was dispensed with.

### Reading of the Journal Dispensed With.

On motion of Mr. Pelletier, the further reading of the Journal of Wednesday, December 4, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Poulson, on motion of Mr. Waters.

Mr. Field, on motion of Mr. Clarke.

Mr. Salsman, on motion of Mr. Clarke.

Mr. Andreas, on motion of Mr. Dilworth.

Miss Miller, on motion of Mr. Kellems.

Mr. Bennett, on motion of Mr. Kilpatrick.

Mr. Gallagher, on motion of Mr. Cronin.

Mr. Atkinson, on motion of Mr. Clarke.

Mr. Del Mutolo, on motion of Mr. Dilworth.

Mr. O'Day, on motion of Mr. Cronin.

Mr. Williamson, on motion of Mr. Cronin.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, December 4, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

**Assembly Concurrent Resolution No. 3**—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California;

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of Senate.

### Consideration of Senate Amendment to Assembly Concurrent Resolution No. 3.

**Assembly Concurrent Resolution No. 3**—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 3?

#### Amendment No. 1.

At the end of the original resolution, strike out "4:30 o'clock p.m., December 3, 1940", and insert in lieu thereof: "3 o'clock p.m., December 5, 1940".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Concurrent Resolution No. 3 by the following vote:

**AYES**—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellem, Kepple, Kilpatrick, Knight, Leonard, Lore, Maloney, Meehan, Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—47.

**NOES**—None.

Assembly Concurrent Resolution No. 3 ordered to enrollment.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Assembly Concurrent Resolution No. 4**—Relative to the birth of Roger Hayes Moore.

J. A. BEEK, Secretary of Senate.

The above reported bill ordered to enrollment.

### House Resolution No. 14.

By Mr. Desmond:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Hammond Typewriter Co. ....	\$45 66
Pacific Telephone & Telegraph Co., Oct.-Nov. ....	59 65
Western Union Telegraph Co. ....	3 89
Department of Finance. ....	34 37
H. S. Crocker Co. ....	9 12
Sacramento Art Studio (framing resolutions) ....	5 67
Jones Book Store (World Almanacs) ....	1 75
Bureau of Purchases (supplies Oct.-Nov.) ....	64 83
Bureau of Purchases (bill room expense) ....	5 13
Railway Express Agency ....	3 18
Postal Telegraph Co. ....	1 90

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to consider House Resolution No. 14, at this time, without reference to committee.

House Resolution No. 14 read, and adopted by the following vote:

AYES—Allen, Bashore, Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Leonard, Maloney, Mechan, Pelletier, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—None.

**House Resolution No. 15.**

By the Committee on Attaches:

*Resolved*, That the following named persons be stricken from the list of Assembly attaches to take effect on completion of work December 5, 1940:

Rev. Raymond Lull Bailey  
Jack Carl Greenburg  
C. W. Booth  
David V. Oliver  
Wilkie Ogg  
Albert Day  
Lillian Larkin  
Michael Connolly  
Francis Ogg  
Harold Lewright  
Robert Voigt  
James Evans  
Robert Guy  
Ed Nathan  
Andrew A. Crist  
Marion Hendricks

Beulah Van Wart  
Jannita Dependener  
Nina Ronsadt  
Elizabeth Eyre  
Sheral Holmes  
Irene Mosher  
Gertrude Marton  
Fay Cronkite  
June W. Ballard  
Mary Jane Doty  
Jacqueline Morgan  
William Murphy  
Louis Desmond  
Domingo Correa  
Jack Shafer  
Jack W. Booth  
VOIGT, Chairman.

**Request for Unanimous Consent.**

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 15, at this time, without reference to committee.

House Resolution No. 15 read, and adopted.

**Recess.**

At eleven o'clock and thirty-five minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of two o'clock and thirty-two minutes p.m.

**Reassembled.**

At two o'clock and thirty-two minutes p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Senate Message.**

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly govern-

mental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

J. A. BEEK, Secretary of Senate.

**Request for Unanimous Consent.**

Mr. Houser asked for, and was granted, unanimous consent to consider Senate Bill No. 14, at this time, without reference to committee or calendar.

**Consideration of Senate Bill No. 14.**

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

**Case of Urgency Resolution.**

By Mr. Houser:

*Resolved*, That Senate Bill No. 14 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called.

**Call of the Assembly.**

Pending the announcement of the vote, Mr. Houser moved a call of the Assembly.

Motion carried. Time, two o'clock and thirty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.**

**Further Proceedings Under Call of the Assembly Dispensed With on Urgency Resolution to Senate Bill No. 14.**

At two o'clock and thirty-eight minutes p.m., on motion of Mr. Houser, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the urgency resolution to Senate Bill No. 14 adopted by the following vote:

**AYES**—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Scudder, Sheridan, Stream,



Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Yorty, and Mr. Speaker—57.  
NOES—None.

Whereupon, the Speaker declared the provisions of Article IV, Section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 14, at this time.

### Second Reading of Senate Bill No. 14.

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read second time.

### Third Reading of Senate Bill No. 14.

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read third time.

### Motion to Amend Senate Bill No. 14.

Mr. Gannon moved to amend Senate Bill No. 14, as follows:

#### Amendment No. 1.

On page 2, line 12, of the printed bill, as amended, strike out "the Governor as the Executive Head of this State", and insert in lieu thereof the following: "The Adjutant General of the State of California".

**Amendment No. 2.**

On page 2, line 27, of the printed bill, as amended, strike out "the Governor", and insert in lieu thereof the following: "The Adjutant General".

Amendments refused adoption by the following vote:

AYES—Allen, Burson, Call, Clarke, Dills, Dilworth, Fulcher, Gannon, Kellems, Leonard, Scudder, Sheridan, Tenney, Thurman, Walker, Weybret, and Yorty—17.

NOES—Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Cassidy, Collins, Cronin, Crowley, Daley, Desmond, Donnelly, Doyle, Evans, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Kuchel, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Sawallisch, Stream, Waters, Watson, Wollenberg, and Mr. Speaker—38.

**Motion to Amend Senate Bill No. 14.**

Mr. King moved to amend Senate Bill No. 14 as follows:

**Amendment No. 1.**

On page 3 of the printed bill, as amended, between lines 29 and 30, insert the following:

"The function of the legislative committee in advising the Governor regarding appointments, as provided in Section 1410 and in this section, shall not be construed as a limitation upon the power of the Governor to make appointments under this chapter nor to require any consent or approval by the committee to effectuate such appointments."

Amendment adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Cassidy, Clarke, Collins, Cronin, Crowley, Desmond, Dills, Donnelly, Doyle, Evans, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Sawallisch, Scudder, Stream, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—47.

NOES—Burson, Call, Carlson, Daley, Dilworth, Fulcher, Gannon, Kellems, Tenney, Walker, and Watson—11.

**Request for Unanimous Consent.**

Mr. Houser asked for, and was granted, unanimous consent to consider Senate Bill No. 14, at this time, for the purpose of amendment.

**Motion to Further Amend Senate Bill No. 14.**

Mr. Houser moved to amend Senate Bill No. 14 as follows:

**Amendment No. 1.**

On page 3, line 3, of the printed bill, as amended, strike out ", in lieu of failing to confirm,".

**Amendment No. 2.**

On page 3, line 22, of the printed bill, as amended, strike out "who".

**Amendment No. 3.**

On page 3, line 31, of the printed bill, as amended, after "Legislative", insert the following: "Defense".

**Amendment No. 4.**

On page 4, line 5, of the printed bill, as amended, strike out "secretary", and insert in lieu thereof the following: "director".

Amendments adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, Yorty, and Mr. Speaker—58.

NOES—None.

Senate Bill No. 14 ordered to reprint and third reading.

**Third Reading of Senate Bill No. 14.**

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agri-

cultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read third time, and passed by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellens, Kepple, King, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, Robertson, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—57.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

### Report of Standing Committee.

The following report of standing committee was received and read:

#### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 3.

Assembly Concurrent Resolution No. 4.

And reports the same correctly enrolled, and presented to the Governor on this fifth day of December, 1940, at two o'clock p.m.

CASSIDY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 6.

And reports the same correctly enrolled, and presented to the Governor on this fifth day of December, 1940, at two o'clock and forty-five minutes p.m.

CASSIDY, Chairman.

### Message from the Governor.

By order of the Speaker, the following message from the Governor was ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, December 5, 1940.

To the Honorable Members of the Senate and Assembly,

State Capitol, Sacramento, California.

GREETINGS: I have been advised that Senate Bill No. 14 relating to the establishment of a California State Council of Defense has been passed by the Senate and transmitted to the Assembly.

I have been advised further that the bill, prior to amendment, provided a State Council of Defense "to consist of the Governor, as Chairman, and fourteen members appointed by the Governor with the advice and consent of the majority of the members of the committee of members of the Legislature created under" the bill and subject to confirmation by the Senate, and that in the discussion of the bill in the Senate the objection was made that the words "with the advice and consent" would require the consent of a majority of the members of the committee referred to in the bill, to the appointments mentioned, before the appointments could become valid or effective for any purpose, and that such requirement would be an invasion of the prerogatives of the Governor under the constitutional concepts of the respec-

tive functions of the Governor and the Legislature; and further that the Senate by amendment struck out the words "and consent" before passing the bill, and that it was the intention of the members of that body that this amendment would effectually remove any requirement that the appointments mentioned must be approved by the committee in order to be effective, and that under the bill as passed the function of the committee would be to advise the Governor but not to act to reject or confirm any appointment.

I have requested the advice of the Legislative Counsel as to the interpretation of the words "with the advice" as used in the bill as passed by the Senate, and I have received the communication attached hereto in which he advises me that the words "with the advice" have essentially the same meaning as the words "with the advice and consent," and that the bill as it now stands would require the consent and approval of the members of the committee before the appointments of the members of the Council of Defense would be effective, contrary to the intent of the Senate.

I have been, and in the future shall be, glad to confer with any members or group of members of the Legislature, and to secure any information they may have, in relation to appointments which I have the power to make, and I shall especially be glad to confer with any members or group of members of the Legislature in regard to appointments that I might be empowered to make to a State Council of Defense, because of the common desire for unity in all matters concerning the national defense. However, I agree with the expressions of members of the Senate which I have heretofore mentioned, to the effect that the enactment of a measure containing a requirement that an appointment by the Governor must be approved by a committee of members of the Legislature before becoming effective, would be a dangerous precedent towards the abolishment of the distinctions between the functions of the administrative and legislative branches of the government, and I could not concur in such action nor approve the bill mentioned in its present form.

In view of the fact that this bill is now being considered and that the Senate and Assembly may adjourn very shortly after action has been taken on the bill, I have deemed it proper to inform you of the opinion of the Legislative Counsel, and as to my views on the bill. I may also say that I have been advised orally by the office of the Attorney General to exactly the same effect as I was advised by the Legislative Counsel.

Respectfully submitted.

CULBERT L. OLSON, Governor.

CLO:PW

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,  
SACRAMENTO, CALIFORNIA, December 5, 1940.

Honorable Culbert L. Olson, Governor of California,  
State Capitol, Sacramento, California.

DEAR GOVERNOR OLSON: You have inquired whether, if Senate Bill No. 14 of the Fourth Extraordinary Session, as amended in the Senate December 4, 1940, becomes a law, an appointment to the State Council of Defense created thereby can be effective if not agreed to by a majority of the members of the committee of members of the Legislature also provided for therein.

The problem turns upon the meaning of the language in Section 1410 of that bill, which reads as follows:

"1410. There is hereby created a California State Council of Defense to consist of the Governor as chairman and fourteen members appointed by the Governor with the advice of the majority of the members of the committee of members of the Legislature created under this chapter, and subject to confirmation by the Senate. The action of the Senate shall be expressed by a single house resolution or resolutions, passed by a majority vote of all members elected to the Senate and filed in the office of the Secretary of State. Any member of the council may be removed for cause by a majority vote of all members of the council."

We have concluded that, although the matter is not wholly free from doubt, the bill requires the agreement of a majority of the members of the legislative committee to the appointments to the council.

In the short time available, we have discovered two cases interpreting the meaning of the phrase "with the advice of." In *Opinion of the Justices to the Governor and Council* (1906), 190 Mass. 616, 78 N. E. 311, the court said:

"As to this class of cases, where the Constitution declares that the power to act is in the Governor, or that the act may be done by the Governor, 'by and with the advice of council,' or 'by and with the advice and consent of the council,' we are of opinion that the responsibility rests primarily upon the Governor to determine, as the supreme executive magistrate, whether any action is called for, and what action, if any, is desirable; and that the provision for advice of the Council is a requirement that their approval and concurrence shall accompany the affirmative act and enter into it before it becomes complete and effective. We do not think that these different phrases, used in different parts of the Constitution, namely, 'by and with the advice of council,' 'by and with the advice and consent of the council,' 'with the advice



and consent of the council,' 'with advice of council,' and 'with advice of the council,' differ at all in legal effect."

In the recent case of *Graham vs. Lockhart* (1939), 53 Ariz. 531, 91 P. (2d) 265, the court said:

"Plaintiff, without stressing the point, suggests that an appointment 'by and with the advice of the senate' does not require 'a consent' as such phrase commonly is worded. This view is hardly tenable. The rule is otherwise in the only jurisdiction cited. In *Re Opinion of the Justices*, 190 Mass. 616, 78 N. E. 311."

It could be argued that inasmuch as the court may look at the legislative history of an act to determine its proper construction in doubtful cases (*People vs. Zadro* (1936), 16 Cal. App. (2d) 398), the amendment out of the section of the phrase "and consent" shows the intent of the Senate.

In this connection it should be noted that on the day preceding the day on which the amendment was adopted, a communication was printed in the Senate Journal for the first extraordinary session (page 808) in which is a lengthy quotation from the case first cited in this letter. The Senate may therefore have been aware of that judicial construction of the language "with the advice of."

It is also true that slightly different language is found in Section 1414:

"1414. Immediately upon the effective date of this chapter, the President pro tempore of the Senate shall appoint two members of the Senate and the Speaker of the Assembly shall appoint three members of the Assembly who, with the President pro tempore of the Senate and the Speaker of the Assembly, who shall serve as the Legislative Defense Advisory Committee, at least a majority of which shall meet with and advise the Governor as to the appointment of the members of the State Council of Defense by the Governor. The Legislative Defense Advisory Committee shall meet with and participate in the work of the council, its committees and personnel."

We believe that this language is not inconsistent with the construction herein placed on Section 1410 but imposes a supplemental duty to meet and discuss the appointments with the Governor.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

By MARTIN McDONOUGH, Assistant Counsel.

MMcD:cm

### Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter; And requests that your honorable body recede therefrom.

J. A. BEEK, Secretary of the Senate.

### Consideration of Assembly Amendments to Senate Bill No. 14.

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information



in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

The question being: Shall the Assembly recede from its amendments to Senate Bill No. 14?

The Assembly refused to recede by the following vote:

**AYES**—Allen, Call, Carlson, Daley, Dilworth, Fulcher, Gannon, Kellem, Leonard, Scudder, Tenney, Thorp, Thurman, Turner, Voigt, and Weybret—16.

**NOES**—Bashore, Burns, Michael J., Burson, Cassidy, Clarke, Cronin, Desmond, Dills, Donnelly, Doyle, Evans, Gilmore, Green, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Lore, Maloney, Massion, Meahan, Miller, George P., Pelletier, Richie, Sheridan, Stream, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—35.

#### **Appointment of Committee on Free Conference Concerning Senate Bill No. 14.**

The Speaker announced the appointment of Messrs. Houser, King and Call, as a Committee on Free Conference concerning Senate Bill No. 14.

#### **Senate Message.**

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed as a Committee on Free Conference concerning:

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter; The following Senators: Hays, Mixer and Quinn, to meet with a like committee from your honorable body.

J. A. BEEK, Secretary of the Senate.

#### **Report of Committee on Free Conference.**

The following report of Committee on Free Conference was received and read:

##### **Concerning Senate Bill No. 14.**

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Free Conference concerning:

**Senate Bill No. 14**—An act to add Division VII, consisting of Chapter I, Sections 1400 to 1470, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the national defense program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the national program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter;

Reports that it has met a like committee of the Senate, consisting of Senators Hays, Quinn and Mixer, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

#### Amendment No. 1.

In the title of the printed bill, as amended, strike out lines 2 to 21, inclusive, and insert in lieu thereof the following: "1400 to 1426, inclusive, to the Military and Veterans Code, relating to State participation in planning for the National defense, providing an appropriation for the purposes of this chapter, to take effect immediately."

#### Amendment No. 2.

On page 1, line 2, of the printed bill, as amended, strike out "1470", and insert in lieu thereof the following: "1426".

#### Amendment No. 3.

On page 2 of the printed bill, as amended, strike out line 3, and insert in lieu thereof the following:

#### "Chapter 1. State Participation in National Defense.

##### Article 1. General Provisions.

1400. This chapter may be cited as the State Defense Act.

##### Article 2. Administration.

1410. The Adjutant General of this State shall administer the Program of State Participation in National Defense provided for in this chapter.

1411. The Adjutant General may appoint, subject to the approval of the commander of the Ninth Corps Army Area, five assistants, as follows:

- (1) A Director of Plans and Training
- (2) A Director of Supply
- (3) A Director of Disaster Relief
- (4) A Director of Intelligence
- (5) An Inspector General.

1412. The Adjutant General may employ such personnel and make such expenditures as are necessary to carry out the purposes of this chapter.

1413. All persons appointed or employed under this chapter shall by The Adjutant General be constituted members of the California National Guard subject to all regulations prescribed under the authority of the United States. Such persons shall act under the supervision and control of The Adjutant General, and are for his assistance in the performance of the duties imposed upon him by law.

##### Article 3. Functions.

1420. It shall be the duty of The Adjutant General to coordinate the activities of this State in planning for the National defense; to provide the necessary instructions, training schedules and technique needed to insure to the civilian population the maximum of protection under wartime conditions; to maintain civilian morale necessary in the conduct of a modern war; and to insure that civilians will provide a continuous flow of material in the face of an enemy attempting constantly to attack the source of supply.

1421. In addition to any duties assigned by The Adjutant General from time to time, the Director of Plans and Training shall prepare a coordinated plan for home security for the State. He shall also act as liaison officer between the Army and the civil authorities.

1422. In addition to any duties assigned by The Adjutant General from time to time the Director of Supply shall aid in the solution of problems arising in the operation and maintenance of industry and the relations between industry and labor.

1423. In addition to other duties assigned by The Adjutant General from time to time the Director of Disaster Relief shall prepare plans for the evacuation of refugees, medical relief, fire prevention and other problems which might arise in threatened areas.

1424. In addition to other duties assigned by The Adjutant General from time to time the Director of Intelligence shall prepare plans for the prevention of espionage and sabotage and for the control of enemy aliens.

1425. In addition to other duties assigned by The Adjutant General from time to time, the Inspector General shall assist in the solution of problems arising from the pursuit of civilian life under war conditions.

1426. Every department, commission, agency, board, officer and employee of the State Government and of every political subdivision, county, city, city and county, public district and public corporation of or in this State shall cooperate with and assist The Adjutant General so as to enable The Adjutant General to accomplish the objectives of this chapter.

SEC. 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the State treasury not otherwise appropriated,

for the purposes of Chapter I of Division VII of the Military and Veterans Code enacted by this act, to be expended under the direction of The Adjutant General.

SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsection, sentences or phrases be declared unconstitutional.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An adequate program for National defense requires the utmost cooperation on the part of the State. The preparation for such a program must be made quickly if this country is to be secure. Events abroad indicate that a flagrant disregard of this country's international rights and even invasion is threatened unless a readiness to defend is apparent. In order to provide for the necessary cooperation with the Federal Government by this State it is necessary that this act take effect immediately."

#### Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 5 to 51, inclusive, and strike out all of pages 3, 4 and 5.

HOUSER  
CALL  
KING

Assembly Committee on Free Conference.

HAYS  
QUINN  
MIXTER

Senate Committee on Free Conference.

The roll was called, and the report refused adoption by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gannon, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Mehan, Sawallisch, Scudder, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weyhret, Wollenberg, and Mr. Speaker—43.

NOES—Bashore, Collins, Evans, Kilpatrick, King, Lore, Massion, Miller, George P., Pelletier, Richie, and Tenney—11.

#### Senate Message.

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day re-referred the report of the Committee on Free Conference concerning Senate Bill No. 14 together with the bill to the Senate Committee on Governmental Efficiency.

J. A. BEEK, Secretary of Senate.

#### Reports of Standing Committees.

The following reports of standing committees were received and read:

##### On Insurance.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Insurance, to which was referred:

Assembly Bill No. 5.

Respectfully reports the same back without further action.

SCUDDER, Chairman.

##### On Social Service and Welfare.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Social Service and Welfare, to which was referred:

Assembly Bill No. 4.

Respectfully reports the same back without further action.

DALEY, Chairman.

##### On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 9.

Respectfully reports the same back without further action.

MILLINGTON, Chairman.

**Senate Message.**

SENATE CHAMBER, SACRAMENTO, December 5, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following Assembly bills upon which no action was taken by Senate committees:

**Assembly Bill No. 3.****Assembly Bill No. 8.**

J. A. BEEK, Secretary of Senate.

**Committee from the Senate.**

A committee from the Senate consisting of Senators DeLap, Phillips and Mixter, informed the Assembly that they were now ready to adjourn the Fifty-third (Fourth Extraordinary) Session of the Legislature.

**House Resolution No. 16.****By Mr. Gannon:**

*Resolved*, That the Speaker appoint a Committee of Five to wait upon His Excellency, Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

**Request for Unanimous Consent.**

Mr. Gannon asked for, and was granted, unanimous consent to consider House Resolution No. 16, at this time, without reference to committee.

House Resolution No. 16 read, and adopted.

**Appointment of Committee.**

The Speaker appointed Messrs. Gannon, Burson, Fulcher, Yorty and Allen as a Special Committee to inform the Governor that the Assembly was now ready to adjourn the Fifty-third (Fourth Extraordinary) Session.

**House Resolution No. 17.****By Mr. Houser:**

*Resolved*, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

**Request for Unanimous Consent.**

Mr. Houser asked for, and was granted, unanimous consent to consider House Resolution No. 17, at this time, without reference to committee.

House Resolution No. 17 read, and adopted.

**Appointment of Committee.**

The Speaker appointed Messrs. Houser, Dilworth and Collins as a Special Committee to inform the Senate that the Assembly was now ready to adjourn the Fifty-third (Fourth Extraordinary) Session.

**Reports of Committees.**

The committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.



**Approval of Journals.**

On motion of Mr. Stream, the Journals of Monday, December 2, 1940; Tuesday, December 3, 1940; Wednesday, December 4, 1940, and Thursday, December 5, 1940, were approved as corrected by the Minute Clerk.

**Adjournment Sine Die.**

At three o'clock p.m., Thursday, December 5, 1940, in accordance with Assembly Concurrent Resolution No. 3, the Honorable Gordon H. Garland, Speaker of the Assembly, announced that the time for final adjournment of the Fifty-third (Fourth Extraordinary) Session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned.

**JACK CARL GREENBURG,**  
Chief Clerk of the Assembly.

**GORDON H. GARLAND,**  
Speaker of the Assembly.

**DAVID V. OLIVER,**  
Minute Clerk of the Assembly.

**GARDINER JOHNSON,**  
Speaker pro tempore of the Assembly.



---

RECAPITULATION OF  
ASSEMBLY MEASURES

---



## ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

The following Assembly Bills were approved by the Governor, chaptered and filed with the Secretary of State. Unless otherwise specified, all bills become effective 90 days after adjournment sine die of the Legislature, or on March 6, 1941.

A. B. Number	Chapter	Author	Subject of Title	Approved by Governor
1	6	Tenney, et al.	Barring Communist Party from ballot	Oct. 7
2	5	Kepple, Doyle	Maintaining Saturday classes in public schools for vocational training	Oct. 2
7	4	Crowley	Regulations re vehicular crossings	Oct. 2
6	8	Walker	Reconstruction, etc., of school buildings damaged by earthquakes	Dec. 7
Total			4	

## CHAPTER NUMBERS OF ASSEMBLY BILLS APPROVED BY THE GOVERNOR

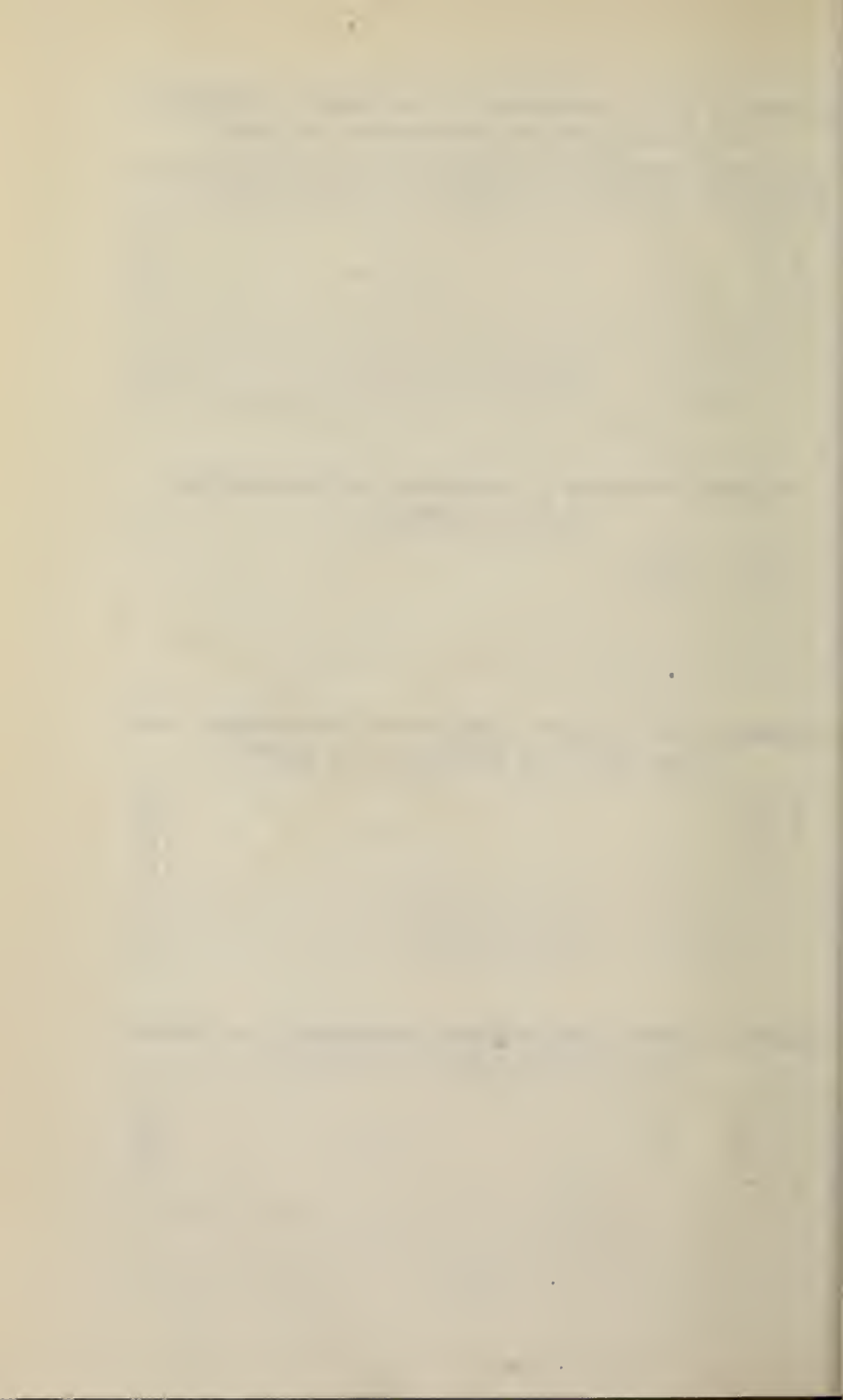
Chapter number	Assembly bill number	
4	7	
5	2	
6	1	
8	6	
• Total		4

## ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Resolution Chapter	Number	Author	Subject of Title	Date filed with Secretary of State
1	1	Voigt, et al.	Relative to Hiram Warren Johnson	Sept. 25
2	4	Desmond	Re recess of Senate and Assembly	Oct. 3
3	7	Desmond	Re adjournment sine die	Dec. 12
4	6	Johnson	Re birth of Roger Hayes Moore	Dec. 12
Total			4	

## ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Resolution Chapter	Number	Author	Subject of Title	Date filed with Secretary of State
1	3	Watson, et al.	Memorializing Congress to pass legislation for control of predators	Oct. 3
Total			1	



---

# INDEX

---



## GUIDE TO INDEX OF ASSEMBLY JOURNAL

	Page		Page
September 21-----	1	December 3-----	65
September 22-----	45	December 4-----	67
December 2-----	61	December 5-----	71

# INDEX TO ASSEMBLY JOURNAL

## ASSEMBLY BILLS

No.		PAGE
1.	Introduced and referred to Legislative Counsel, 31; read first time, 34; from committee: Do pass, 36; considered in Committee of the Whole, ease of urgency resolution, call of Assembly, 38; call of Assembly dispensed with, 39; made ease of urgency, Constitution suspended, read second time, considered engrossed, read third time, passed, to Senate, explanation of vote by Mr. Richie, statement by Mr. Salsman, 40; argument by Mr. Schneiderman re, 46; passed by Senate, 49; to Governor, 62; approved by Governor, Chap. 6	87
2.	Introduced and referred to Legislative Counsel, 31; read first time, 34; from committee: Do pass, 36; made ease of urgency, Constitution suspended, read second time, considered engrossed, amended, 41; urgency clause adopted, read third time, passed, to Senate, 47; passed by Senate, 59; to Governor, 62; approved by Governor, Chap. 6	87
3.	Introduced and referred to Legislative Counsel, 31; read first time, 34; from committee: Do pass, 36; made ease of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, read third time, passed, to Senate, 38; from Senate without further action	83
4.	Introduced and referred to Legislative Counsel, 31; read first time, 34; from committee: Be re-referred to Committee on Social Service and Welfare, 36; from committee without further action	82
5.	Introduced and referred to Legislative Counsel, 31; read first time, 35; from committee: Be re-referred to Committee on Insurance, 36; motion to suspend Rules and withdraw from committee, call of Assembly, 49; call of Assembly dispensed with, motion to suspend Rules lost, 50; notice of motion to withdraw, 54, 66; from committee without further action	82
6.	Introduced and referred to Legislative Counsel, 31; read first time, 35; from committee: Be re-referred to Committee on Ways and Means, 36; from committee: Do pass, 45; made ease of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, 48; read third time, passed, to Senate, 49; passed by Senate with amendments, 67; amendments concurred in, 69; to Governor, 77; approved by Governor, Chap. 8	87
7.	Introduced and referred to Legislative Counsel, 31; read first time, 35; from committee: Do pass, 36; made ease of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, read third time, passed, to Senate, 37; passed by Senate, 49; to Governor, 62; approved by Governor, Chap. 4	87
8.	Introduced and referred to Legislative Counsel, 31; read first time, 35; from committee: Do pass, 36; made ease of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, read third time, passed, to Senate, 41; from Senate without further action	83
9.	Introduced and referred to Legislative Counsel, 31; read first time, 35; from committee: Be re-referred to Committee on Ways and Means, 36; from committee without further action	82

## ASSEMBLY CONCURRENT RESOLUTIONS

1.	Introduced, considered engrossed, adopted, to Senate, 41; adopted in Senate, 48; to Governor, 56; filed with Secretary of State, Res. Chap. 1	87
2.	Introduced, considered engrossed, adopted, to Senate, 56; adopted in Senate, 59; to Governor, 62; filed with Secretary of State, Res. Chap. 4	87
3.	Introduced, considered engrossed, adopted, to Senate, 64; adopted in Senate with amendments, amendments concurred in, 72; to Governor, 77; filed with Secretary of State, Res. Chap. 7	87
4.	Introduced, considered engrossed, adopted, to Senate, 69; adopted in Senate, 72; to Governor, 77; filed with Secretary of State, Res. Chap. 6	87

## ASSEMBLY JOINT RESOLUTIONS

1.	Introduced, considered engrossed, call of Assembly, 54; call of Assembly dispensed with, adopted, to Senate, 58; adopted in Senate, 59; to Governor, 62; filed with Secretary of State, Res. Chap. 3	87
----	--	----

## HOUSE RESOLUTIONS

No.	(Numerically)	PAGE
1.	Naming officers of the Assembly, adopted.....	1
2.	Inform Senate of Assembly organization, adopted.....	6
3.	Inform Governor of Assembly organization, adopted.....	6
4.	Standing Rules of the Assembly, adopted.....	6
5.	Congratulating Mr. and Mrs. Henry P. Meehan, adopted.....	29
6.	Appointing attaches, adopted.....	30
7.	Mileage, adopted.....	32
8.	Congratulating Mr. and Mrs. Cecil King, adopted.....	43
9.	Striking attaches from roll, adopted.....	58
10.	Inform Senate Assembly read to recess, adopted.....	59
11.	Inform Governor Assembly read to recess, adopted.....	59
12.	Appointing attaches, adopted.....	62
13.	Honoring memory of F. C. Cloudsley, adopted.....	70
14.	Payment of contingent expenses, adopted.....	71
15.	Striking attaches from roll, adopted.....	73
16.	Inform Governor Assembly ready to adjourn, adopted.....	83
17.	Inform Senate Assembly ready to adjourn, adopted.....	83

## HOUSE RESOLUTIONS

(Alphabetically)

ADJOURN.	Inform Governor Assembly ready to, H. R. 16, adopted, 83; inform Senate Assembly ready to, H. R. 17, adopted.....	83
ASSEMBLY ORGANIZATION.	Inform Governor of, H. R. 2, adopted, 6; inform Senate of, H. R. 3, adopted.....	6
ATTACHES.	Appointing, H. R. 6, adopted, 30; H. R. 12, adopted, 62; striking from roll, H. R. 9, 58; H. R. 15, adopted.....	73
CLOUDSLEY, HON. F. C.	Honoring memory of, H. R. 13, adopted.....	70
CONTINGENT EXPENSES.	Payment of, H. R. 14, adopted.....	71
GOVERNOR.	Inform, of Assembly organization, H. R. 3, adopted, 6; inform, Assembly ready to recess, H. R. 11, adopted.....	59
KING, MR. AND MRS. CECIL R.	Congratulating, H. R. 8, adopted.....	43
MEEHAN, MRS. AND MRS. HENRY P.	Congratulating, H. R. 5, adopted.....	29
MILEAGE.	For members and officers, H. R. 7, adopted.....	32
OFFICERS OF THE ASSEMBLY.	Naming, H. R. 1, adopted.....	1
RECESS.	Inform Governor Assembly ready to, H. R. 11, adopted, 60; inform Senate Assembly read to, H. R. 10.....	59
RULES.	Standing, H. R. 4, adopted.....	6
SENATE.	Inform, of Assembly organization, H. R. 2, adopted, 6; inform, Assembly ready to recess, H. R. 10.....	59

## SENATE BILLS

No.		PAGE
2.	Read first time, unanimous consent withheld, Rules suspended, further consideration deferred, 50; made case of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, 55; read third time, amended, passed, to Senate, 56; Assembly amendments concurred in.....	59
6.	Read first time, 50; made case of urgency, Constitution suspended, read second time, considered engrossed, urgency clause adopted, read third time, passed, to Senate.....	51
7.	Read first time, 50; made case of urgency. Constitution suspended, read second time, considered engrossed, urgency clause adopted, read third time, passed, title amended, to Senate, 52; Assembly amendments concurred in.....	59
13.	Read first time, ordered on calendar without reference to committee, 64; read second time, made case of urgency, Constitution suspended, 65; read third time, passed, to Senate.....	66
14.	Read first time, consideration of urgency resolution, call of Assembly, call of Assembly dispensed with, made case of urgency, 74; Constitution suspended, read second time, read third time, amended, 75, 76; read third time, passed, to Senate, 77; message from Governor, 77, 78; amendments refused concurrence, to Free Conference, 79, 80; Free Conference report refused adoption, 80, 81; re-referred to Senate committee.....	82

## SENATE CONCURRENT RESOLUTIONS

1.	In Assembly, adopted, to Senate.....	54
----	--------------------------------------	----

## SENATE JOINT RESOLUTIONS

2.	In Assembly, adopted, to Senate.....	68
----	--------------------------------------	----

A

	PAGE
ADJOURNMENT. Sine die.....	84
ALLEN, DON A.	
COMMITTEE, APPOINTED ON, inform Governor Assembly ready to adjourn.....	83
ANDREAS, GODFREY A.	
ABSENCE, granted leave of.....	71
ANNOUNCEMENT. Of officers present.....	1
ASSEMBLY. Convened in Fourth Extraordinary Session, 1; reconvened.....	61
ASSEMBLY BILL No. 1. Argument re, by Mr. Schneiderman.....	46
ASSEMBLY JOURNAL. See JOURNAL.	
ASSEMBLY RECESS. Declared by Speaker.....	60
ASSEMBLYMEN-ELECT. Rules suspended to allow admittance.....	27, 62
ATKINSON, MAURICE E.	
ABSENCE, granted leave of.....	71
UNANIMOUS CONSENT, withheld, S. B. 2.....	50
ATTACHES. Resolution appointing, 30; resolution striking from roll.....	58

B

BAILEY, REV. RAYMOND LULL. Appointed Chaplain, 30, 62; named Chaplain, 1; stricken from roll.....	73
BALLARD, JUNE W. Appointed stenographer, 63; stricken from roll.....	73
BASHORE, LEE T.	
RULES, motion to suspend, to allow Assemblymen-elect on floor of Assembly	27
BELYEA, BRYNN. Extended privilege of floor.....	44
BENNETT, F. RAY.	
ABSENCE, granted leave of.....	71
COMMITTEE, appointed on, inform Senate of Assembly organization.....	6
RESOLUTIONS BY, congratulating Mr. and Mrs. Cecil King, 43; inform Senate of Assembly organization.....	6
BOOTH, C. W. Appointed Assistant Chief Clerk, 30, 62; stricken from roll.....	73
BOOTH, JACK W. Appointed Page, 63; stricken from roll.....	73
BREED, SENATOR ARTHUR II., JR. Committee, inform Assembly Senate ready to recess.....	59
BURSON, ROSCOE W.	
COMMITTEE, APPOINTED ON, inform Governor Assembly ready to adjourn....	83

C

CALL, HARRISON WM.	
AMEND, motion to, S. B. 2.....	56
CALL OF ASSEMBLY, motion for, urgency clause A. B. 1, 38; A. J. R. 1, 54; suspension of Rules, 49; motion to dispense with, absence of quorum, 38; urgency clause A. B. 1, 39; A. J. R. 1, 58; suspension of Rules.....	50
FREE CONFERENCE, appointed on, S. B. 14.....	80
PRINT ARGUMENT by Mr. Schneiderman re A. B. 1, motion to.....	46
PRINT COMMUNICATION from Governor, motion to.....	63
REPORT, Free Conference, S. B. 14.....	81
TABLE MOTION for Committee of the Whole, motion to.....	51
CALL OF ASSEMBLY. Motion for, S. B. 14, 74; motion to dispense with, S. B. 14.....	74
CARLSON, ARTHUR W.	
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan.....	29
CARPENTER, GRACIA MAY. Appointed stenographer, 31; stricken from roll.....	58
CASSIDY, JAMES M.	
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan.....	29
CHAPLAIN. See BAILEY, REV. RAYMOND LULL.	
CHIEF CLERK. See GREENBURG, JACK CARL.	
CLARKE, GEORGE A.	
JOURNAL, motion to dispense with reading of.....	65
CLOUDSLEY, HON. F. C. Adjournment in memory of, 70; resolution honoring the memory of.....	70
COLLINS, GEORGE D., JR.	
COMMITTEE, APPOINTED ON, inform Senate Assembly ready to adjourn....	83
COMMITTEE FROM THE SENATE. Inform Assembly of organization, 29; inform Assembly of readiness to recess.....	59
COMMITTEE OF THE WHOLE. Arise and report, motion to, 51; A. B. 1 considered in, 38; motion for.....	51

	PAGE
COMMITTEES. See GARLAND, GORDON H., Appointment of Committees.	
APPOINTMENT of Standing-----	27
COMMUNICATIONS.	
BRANSTEN, LOUISE, requesting hearing re A. B. 1, and reply thereto-----	37
GILBERT, WILBUR F.-----	61
OLSON, CLBERT L., re defense and other legislation, 63; re S. B. 14-----	77
CONNOLLY, MICHAEL. Appointed Assistant Sergeant-at-Arms, 30, 62; stricken from roll-----	58, 73
CORREA, DOMINGO. Appointed page, 31, 63; stricken from roll-----	58, 73
CORWIN, GORDON W.	
ABSENCE, granted leave of-----	62
CRAWER, HENRY. Extended privilege of floor-----	44
CRIST, ANDREW A. Appointed Assistant Sergeant-at-Arms, 63; stricken from roll-----	73
CRONKITE, FAY. Appointed stenographer, 63; stricken from roll-----	73
CROWLEY, ERNEST C.	
RESOLUTION BY, urgency A. B. 7-----	37
RULES, motion to suspend-----	36
<b>D</b>	
DAVIES, WILLIAM. Appointed Assistant Sergeant-at-Arms, 31; stricken from roll-----	58, 73
DAY, ALBERT. Appointed Journal Clerk, 30, 62; stricken from roll-----	58, 73
DELAP, SENATOR T. H. Committee, inform Assembly of Senate organiza- tion, 29; committee, inform Assembly Senate ready to adjourn-----	83
DEL MUTOLO, M. G.	
ABSENCE, granted leave of-----	72
DEPENDENER, JUANITA. Appointed Chief Stenographer, 31, 63; stricken from roll-----	58, 73
DESMOND, EARL D.	
ADJOURN, motion to-----	64, 65
AMEND TITLE to S. B. 7, motion to-----	53
CALL OF ASSEMBLY, motion for, absence of quorum, 36; A. J. R. 1, 54; motion to dispense with, A. J. R. 1-----	58
JOURNAL, motion to approve, 60; dispense with reading of-----	45
RECESS, motion for-----	36, 44, 48, 58, 63, 64, 65, 73
REPLY TO COMMUNICATION from Louise Bransten, re hearing on A. B. 1-----	38
RESOLUTIONS BY, naming officers of Assembly, 1; urgency A. B. 3, 39; urgency A. B. 8-----	41
RULES, motion to suspend-----	38
DESMOND, LOUIS. Appointed page, 31, 63; stricken from roll-----	58, 73
DILLS, RALPH C.	
ABSENCE, granted leave of-----	52
DILWORTH, NELSON S.	
ABSENCE, granted leave of-----	5, 45
COMMITTEE, APPOINTED ON, inform Senate Assembly ready to adjourn-----	83
DOTY, MARY JANE. Appointed stenographer, 63; stricken from roll-----	73
DOYLE, THOMAS J.	
ADJOURN, motion to-----	70
JOURNAL, motion to dispense with reading of-----	67
<b>E</b>	
EVANS, JAMES. Appointed Assistant Sergeant-at Arms, 62; stricken from roll-----	73
EYRE, ELIZABETH. Appointed stenographer, 31, 63; stricken from roll-----	58, 73
<b>F</b>	
FEAVER, REV. E. KENNETH. Prayer by-----	2, 61
FIELD, C. DON.	
ABSENCE, granted leave of-----	71
CALL OF ASSEMBLY, motion for, A. B. 1, 38; motion to dispense with, A. B. 1-----	39
COMMITTEE, APPOINTED ON, inform Senate Assembly ready to recess-----	39
RESOLUTION BY, inform Senate Assembly ready to recess-----	59
RULES, motion to suspend-----	62
FLAG. Pledge of allegiance to-----	61
FLOOD CONTROL WORKS. Report of State Engineer re-----	62
FORD, HON. LELAND M. Addressed Assembly-----	5
FOURTH EXTRAORDINARY SESSION. Convened-----	1



	PAGE
FREE CONFERENCE. Appointment of Committee, S. B. 14, 80; report of Committee, S. B. 14-----	80
FULCHER, CLINTON J. COMMITTEE, APPOINTED ON, inform Governor Assembly ready to adjourn--	83

G

GALLAGHER, DAN. ABSENCE, granted leave of-----	71
COMMITTEE, APPOINTED ON, inform Governor of Assembly Organization---	6
GANNON, CHESTER F. AMEND S. B. 14, motion to-----	75
COMMITTEE, APPOINTED ON, inform Governor Assembly ready to adjourn--	83
RESOLUTION BY, inform Governor Assembly ready to adjourn-----	83
GARLAND, GORDON H. ADJOURNED ASSEMBLY sine die-----	84
COMMITTEES, APPOINTMENT OF, inform Governor of Assembly organization, 6; inform Governor Assembly ready to recess, 60; inform Senate of Assembly organization, 6; inform Senate Assembly ready to recess, 59; Standing, 27; wait on Governor, 83; wait on Senate---	83
OATH of office-----	2
RECESS declared by-----	60
RULING on point of order-----	50
SPEAKER-----	1
GILBERT, WILBUR F. ABSENCE, granted leave of-----	5, 45, 62
COMMUNICATION FROM-----	61
GREEN, ROBERT MILLER. COMMITTEE, APPOINTED ON, inform Governor of Assembly organization---	6
RESOLUTION BY, inform Governor of Assembly organization-----	6
GREENBURG, JACK CARL. ANNOUNCEMENT of officers present-----	1
APPOINTED Chief Clerk-----	30, 62
CHIEF CLERK-----	1
OATH OF OFFICE-----	2
ROLL CALL of members by-----	1
STRICKEN from roll-----	58, 73
GOVERNOR. See OLSON, HON. CULBERT L.	
GUY, ROBERT M. Appointed Assistant Sergeant-at-Arms, 30, 62; stricken from roll-----	58, 73

H

HAGERTY, HON. CHAS. J. Administered oaths of office-----	2
HARRISON, EDWARD. Appointed Assistant Sergeant-at-Arms, 30; stricken from roll-----	58
HAWKINS, AUGUSTUS F. COMMITTEE, APPOINTED ON, inform Governor of Assembly organization---	6
HAYS, SENATOR RAY W. Committee on Free Conference, S. B. 14, 80; report on, S. B. 14-----	82
HEISINGER, S. L. COMMITTEE, APPOINTED ON, inform Senate Assembly ready to recess-----	59
RULES, motion to suspend-----	41
HENDRICKS, MARION. Appointed Engrossing and Enrolling Clerk, 31, 63; stricken from roll-----	58, 73
HOLMES, SHERAL. Appointed stenographer, 63; stricken from roll-----	73
HOUSER, FREDERICK F. AMEND, motion to, S. B. 14-----	76
CALL OF ASSEMBLY, motion for, S. B. 14, 74; motion to dispense with, S. B. 14-----	74
COMMITTEE, APPOINTED ON, inform Senate Assembly ready to adjourn---	83
FREE CONFERENCE, Appointed on, S. B. 14, 80; report on, S. B. 14-----	81
PRESIDING-----	56
RESOLUTION BY, inform Senate Assembly ready to adjourn. 83; urgency, S. B. 14-----	74
HUBBARD, ETTA. Extended privilege of floor-----	44

J

JOURNALS. Motion to approve, 60, 84; print extra copies of, 49; dispense with reading of. See MOTION.	
JOHNSON, GARDINER. OATH of office-----	2
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan-----	29
SPEAKER PRO TEM-----	1

K		PAGE
KELLEMS, JESSE RANDOLPH.		
ABSENCE, granted leave of-----	5, 45,	67
KEPPLE, GERALD C.		
AMEND, motion to, A. B. 2-----		41
RESOLUTION BY, urgency A. B. 2-----		41
KING, CECIL R.		
AMEND S. B. 14, motion to-----		76
CALL OF ASSEMBLY, motion for, suspend Rules, withdraw A. B. 5 from committee, 49; motion to dispense with, on suspension of Rules-----		50
COMMITTEE OF THE WHOLE, motion for-----	50,	51
FREE CONFERENCE, appointed on, S. B. 14, 80; report on, S. B. 14-----		81
PRAYER, motion to dispense with-----		45
RULES, motion to suspend-----		49
WITHDRAW A. B. 5 from committee, notice of motion to, 54; motion to-----		66
KING, MR. AND MRS. CECIL R. Resolution congratulating-----		43
KUCHEL, THOMAS H.		
PRESIDING-----		68
ABSENCE, granted leave of-----		5
RESOLUTION BY, urgency, S. B. 13-----		65
L		
LARKIN, LILLIAN. Appointed stenographer, 30, 62; stricken from roll-----		73
LEWRIGHT, HAROLD. Appointed Assistant Sergeant-at-Arms, 62; stricken from roll-----		73
LYON, CHARLES W.		
COMMITTEE OF THE WHOLE arise and report, motion that-----		51
PRINT Proclamation, motion to-----		2
RECESS, motion to-----		5
RESOLUTION BY, adopting Rules-----		6
M		
MALONEY, THOMAS A.		
COMMITTEE, APPOINTED ON, inform Senate of Assembly organization-----		6
PRINT Governor's message, motion to-----		5
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan-----		29
MARTON, GERTRUDE. Appointed stenographer, 63; stricken from roll-----		73
MATTOX, J. EDWIN. Extended privilege of floor-----		44
MAYO, SENATOR JESSE M. Committee, inform Assembly Senate ready to recess-----		59
McKENZIE, HAROLD. Appointed Page, 31; stricken from roll-----		58
MEEHAN, HENRY P.		
COMMITTEE, APPOINTED ON, inform Governor Assembly ready to recess--		60
RESOLUTION BY, inform Governor Assembly ready to recess-----		59
MEEHAN, MR. AND MRS. HENRY P. Resolution congratulating-----		29
MESSAGE FROM THE GOVERNOR. Re special session-----	3,	6
MILEAGE. Resolution providing-----		32
MILLER, ELEANOR.		
ABSENCE, granted leave of-----		71
MILLER, GEORGE P.		
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan-----		29
MINUTE CLERK. See OLIVER, DAVID V.		
MINTER, SENATOR FRANK W. Committee, inform Assembly Senate ready to adjourn, 83; Committee on Free Conference, S. B. 14, 80; report on, S. B. 14-----		82
MOORE, GLADYS. Extended privilege of floor-----		44
MORGAN, JACQUELINE. Appointed stenographer, 63; stricken from roll--		73
MOSIER, IRENE. Appointed stenographer, 63; stricken from roll-----		73
MOTION		
ADJOURN-----	64, 65,	70
ALLOW Assemblymen-elect on floor-----		27
JOURNAL, motion to approve, 84; dispense with reading of-----	45, 65, 67,	71
PRINT, argument by Mr. Schneiderman, re A. B. 1, 46; communication, 63 extra Journals, 49; Governor's message, 5; Governor's Proclamation-----		65
RECESS-----	5, 36, 44, 48, 58, 62, 63, 64,	2
MURPHY, WILLIAM. Appointed Chief Page, 31, 63; stricken from roll-----		73
N		
NARDELLA, ALYSE. Appointed stenographer, 31, 62; stricken from roll-----		73
NATHAN, ED. Appointed Assistant Sergeant-at-Arms, 30; stricken from roll-----		58
NEWSOM, HARRIET. Appointed Assistant Postmistress, 31; stricken from roll-----		58

O

	PAGE
OATHS OF OFFICE. Administered.....	2
O'DAY, EDWARD F.	
ABSENCE, granted leave of.....	72
OFFICERS OF ASSEMBLY. Resolution naming.....	1
OFFICERS OF SENATE. Senate message naming.....	301
OGG, FRANCIS. Appointed Assistant Sergeant-at-Arms, 62; stricken from roll.....	73
OGG, WILKIE.	
APPOINTED Sergeant-at-Arms.....	30, 62
OATH of office.....	2
SERGEANT-AT-ARMS.....	1
STRICKEN from roll.....	58, 73
OGG, WILKIE, JR. Appointed Assistant Sergeant-at-Arms, 30; stricken from roll.....	58
OLIVER, DAVID V.	
APPOINTED Minute Clerk.....	30, 62
MINUTE CLERK.....	1
OATH of office.....	2
STRICKEN from roll.....	58, 63
OLSON, HON. CLIBERT L.	
COMMUNICATION FROM, re S. B. 14, 77; re defense and other legislation.....	63
MESSAGE, re special session.....	3, 6
PROCLAMATION BY.....	2

P

PARKER, RUTH. Extended privilege of floor.....	44
PELLETTIER, JOHN B.	
JOURNAL, motion to dispense with reading of.....	71
PHILLIPS, JAMES H.	
ABSENCE, granted leave of.....	53
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan.....	29
PHILLIPS, SENATOR JOHN. Committee, inform Assembly Senate ready to adjourn.....	83
PLEDGE OF ALLEGIANCE to Flag.....	61
POINT OF ORDER. By Mr. Desmond: That a bill would be discussed on which there was a Call of the Assembly.....	50
POULSON, NORRIS.	
ABSENCE, granted leave of.....	71
PRAYER. By Rev. E. Kenneth Feaver, 2, 61; ordered dispensed with.....	45, 65, 67, 71
PROCLAMATION. By Governor.....	2

Q

QUINN, SENATOR IRWIN T. Committee, inform Assembly of Senate organization, 29; committee, inform Assembly Senate ready to recess, 59; Committee on Free Conference S. B. 14, 80; report on S. B. 14.....	82
--	----

R

RECESS. <i>See also</i> MOTION TO. Declared by Speaker.....	60
REDWINE, KENT H.	
ABSENCE, granted leave of.....	5, 62
REED, FRANK. Appointed History Clerk, 30; stricken from roll.....	58
REPORT. Committee appointed to wait on Governor, 60, 83; committee appointed to wait on Senate, 60, 83; State Engineer, re flood control works.....	62
RICHE, PAUL A.	
VOTE, EXPLANATION OF, A. B. 1.....	40
RINGLER, ROBERT L. Extended privilege of floor.....	44
ROBERTSON, ALFRED W.	
COMMITTEE, APPOINTED ON, inform Senate Assembly ready to recess.....	59
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan.....	29
ROLL CALL. Of members.....	1, 61
RONSTADT, NINA. Appointed Secretary to the Speaker, 31, 63; stricken from roll.....	58, 73
ROPES, DR. EDWIN. Extended privilege of floor.....	44
RULES. Motion to suspend, 36, 41, 50, 62; resolution adopting.....	6
RUSSELL, MR. AND MRS. CHARLIE. Extended privilege of floor.....	44

S		PAGE
SALSMAN, BYRL R.		
STATEMENT BY, re A. B. 1	-----	40
ABSENCE, granted leave of	-----	71
SCHEIDERMAN, MR.	Argument by, re A. B. 1	46
SCUDDER, HUBERT B.		
DEFER consideration of S. B. 2, motion to	-----	50
RULES, motion to suspend, to consider S. B. 2	-----	50
SENATE, OFFICERS OF, Senate message re	-----	30
SERGEANT-AT-ARMS.	See Ogg, WILKIE	2
SHAFFER, JACK.	Appointed Page, 31; stricken from roll	58
SHERIDAN, BERNARD A.		
RESOLUTION BY, congratulating Mr. and Mrs. Henry P. Meehan	-----	29
SMITH, SAM.	Extended privilege of floor	44
SPEAKER.	See GARLAND, GORDON H.	
SPEAKER PRO TEMPORE.	See JOHNSON, GARDNER.	
SPECIAL SESSION.	Message from Governor, re	3, 4
STANDING COMMITTEES.	Appointment of	27
STATE ENGINEER.	Report of, re Flood Control Works	62
STREAM, CHARLES W.		
JOURNALS, motion to approve	-----	84

## T

TABLE, MOTION TO.	Motion for Committee of the Whole	51
TENNEY, JACK B.		
ABSENCE, granted leave of	-----	53
CALL OF THE ASSEMBLY, motion to dispense with	-----	38
COMMITTEE OF THE WHOLE, motion for, to consider A. B. 1	-----	38
PRINT copies of Journal, motion to	-----	49
RESOLUTIONS BY, congratulating Mr. and Mrs. Cecil King, 43; urgency.	-----	38
A. B. 1	-----	30
TEXTBOOKS FOR SCHOOLS.	Senate message re	30
THORP, JAMES E.		
ABSENCE, granted leave of	-----	5, 45
THURMAN, ALLEN G.		
COMMITTEE, APPOINTED ON, inform Governor of Assembly organization, 6;		
inform Governor Assembly ready to recess	-----	60
TURNER, RODNEY L.		
RECESS, motion for	-----	62

## V

VAN DER OEF, CHARLES E.	Extended privilege of floor	44
VAN WART, BELLAH.	Appointed Assistant Clerk, 31, 63; stricken from roll	58, 73
VOGT, MR. AND MRS. LOUIS.	Extended privilege of floor	44
VOIGT, ERNEST O.		
PRESIDING		40
VOIGT, ROBERT.	Appointed Assistant Sergeant-at-Arms, 31; stricken from roll, 58; appointed History Clerk, 62; stricken from roll	73

## W

WAGY, SENATOR J. I.	Committee, inform Assembly of Senate organization	29
WALKER, CLARENCE R.		
RESOLUTIONS BY, urgency A. B. 6	-----	46
WATERS, FRANK J.		
COMMITTEE, APPOINTED ON, inform Governor of Assembly organization	-----	6
WEBER, CHARLES M.		
RESOLUTION BY, honoring the memory of F. C. Cloudsley	-----	70
WHOLE, COMMITTEE OF THE.	Motion for, A. B. 5	50, 51
WILLIAMSON, RAY.		
ABSENCE, granted leave of	-----	72
WILLIAMSON, RAYMOND, JR.	Appointed Page, 63; stricken from roll	73
WILLSON, DONALD J.	Extended privilege of floor	44
WOLLENBERG, ALBERT C.		
COMMITTEE, APPOINTED ON, inform Senate of Assembly organization	-----	6

## Y

YORTY, SAMUEL W.		
COMMITTEE, APPOINTED ON, inform Governor Assembly ready to recess, 60;		
inform Governor Assembly ready to adjourn	-----	83
RESOLUTION BY, congratulating Mr. and Mrs. Cecil King	-----	43

## O

